

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

206

CRM-M-431-2023

Date of decision: 13.01.2023

MONEY

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. J.S. Bhinder, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

DEEPAK MANCHANDA, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.78 dated 01.05.2022 under Sections 323, 341, 506, 148 and 149 IPC and (Sections 379-B, 326 and 324 IPC were added later on), registered at Police Station Kotwali, Patiala, District Patiala.

As per the allegations levelled in the FIR on 01.05.2022, at around 1.00 a.m. Amit Kumar received a phone call from his brother Hemant Kumar @ Honey that Money along with other co-accused were fighting with him near his house. On hearing the same, Amit Kumar along with his brother Dhiraj Kumar reached at the spot and tried to rescue his brother Hemant Kumar, but the petitioner and his co-accused surrounded them and the petitioner gave 'Khurchana blow' on right hand of Dhiraj Kumar and other co-accused also started beating all of them and gave injuries. On raising a hue and cry, people from nearby gathered there and the petitioner along with other co-accused ran away from

the spot while issuing threats.

Learned counsel for the petitioner contends that offence under Section 379-B IPC has been subsequently added in the present case on the basis of enquiry conducted by the DSP, after almost 03 months of the registration of the FIR. He further submits that challan has been presented on 19.12.2022 and in total, there are 19 prosecution witnesses but no witness has been examined till date and the trial is likely to take time to conclude. Therefore, petitioner be released on regular bail during the pendency of the trial.

The custody certificate has been furnished by learned State counsel and the same is taken on record.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Sukhwinder Singh, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature but does not dispute the fact that the challan stands presented on 19.12.2022, however, no prosecution witness has been examined till date.

I have heard learned counsel for the parties.

The petitioner is in custody since 13.10.2022.

It is not a case made out by the respondent-State that the concession of bail if granted to the petitioner would hamper the course of free and fair trial. Further since the challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed

January 13, 2023
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(DEEPAK MANCHANDA)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No