

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-888-2023 (O&M)

Date of Decision: 6.2.2023

Harjeet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Preetinder S. Ahluwalia, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.131 dated 26.10.2022 registered for the offences punishable under Sections 307, 323, 341, 427, 506, 148, 149 IPC and Sections 25, 27 of Arms Act at Police Station Dirba, District Sangrur.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and as per FIR, the petitioner who was armed with iron rod, gave its blow on the right shoulder of complainant-Resham Singh; that however, the said fact stands falsified as no such injury is found on the person of complainant-Resham Singh at the time of his medico-legal examination as is evident from Annexure P-2; that only one injury was found to be there on the head of the complainant but the same is not attributed to the petitioner who is in custody since 31.10.2022.

Counsel for the petitioner further submits that after completion

of investigation, the police has presented the challan. So, no purpose is going to be served by prolonging the judicial custody of the petitioner as it will take considerable time for the trial to conclude.

Present petition is resisted by the State counsel who submits that the petitioner was member of unlawful assembly and caused injury on the right shoulder of the complainant with iron rod. However, the State counsel has stated that the said injury on the right shoulder of the complainant is found to be simple in nature and that presently, the petitioner is lodged in judicial custody and on conclusion of investigation, the police has presented the challan.

I have considered the submissions made by the counsel for the parties.

As per allegations recorded in the FIR, co-accused Harjeet Singh son of Rajinder Singh caused injury on the head of the complainant with sharp edged weapon while the present petitioner caused injury on the right shoulder of the complainant with iron rod. As per MLR (Annexure P-2), no such injury on the right shoulder of the complainant was found at the time of his medico-legal examination but one head injury was found there. However, the said head injury is not attributed to the present petitioner. Even the State counsel has admitted that the injury which is attributed to the petitioner is found to be simple in nature and during the investigation of this case, the petitioner was arrested on 31.10.2022 and is presently lodged in judicial custody. After completion of investigation, the challan has been presented by the police. It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

February 6, 2023

Paritosh Kumar

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