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

**CRM-M-7212-2023
Date of Decision: 16.02.2023**

Kuldeep Singh alias Keepa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.K. Singla, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.117 dated 23.04.2020, under Sections 307, 341, 323, 148, 149, 188, 269 IPC, later on offence under Section 302 IPC was added vide Rapat No.54 dated 23.04.2020 and again offence under Section 325 of the IPC was added vide Rapat No.29 dated 09.06.2020 registered at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 26.04.2020, which is almost 2 years and 10 months. He further submitted that earlier he had filed a bail petition which was withdrawn by him on 17.10.2022 vide Annexure P-1 but thereafter, now the trial has commenced and the complainant has been examined. He

also submitted that as per the prosecution story, the petitioner along with the other co-accused had caused injuries to the persons, namely, Iqbal Singh (Complainant) and one Jagveer Singh and the role attributed to the petitioner as per the prosecution was that he had given an iron rod blow on the head of the Jagveer Singh. He further submitted that now the complainant has already been examined and there are material contradiction in the statement of the complainant. He also submitted that be that as it may, the petitioner has already faced incarceration for almost 2 years and 10 months and only one witness has been examined till date and the trial of the case may take long time, and therefore, has prayed that the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned Deputy Advocate General, Punjab, has submitted that it is correct that the petitioner is in custody since 26.04.2020, which is almost 2 years and 10 months and the complainant has now been examined. She has however opposed the grant of bail to the petitioner on the ground that the offence was serious in nature and that the petitioner was also involved in six more cases out of which in three cases, he has been acquitted and in other three cases, he has been convicted.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for almost 2 years and 10 months and now the complainant has already been examined. Some of the co-accused have been extended the benefit of regular bail by a Co-ordinate Bench of this Court. However, this Court without going into the merit of the case would consider the prayer of the petitioner for grant of regular bail on the basis of the custody of the petitioner which is 2 years and 10 months. So

far as the conviction of the petitioner in other cases is concerned, the same cannot become a ground for denial of bail to the petitioner consider his long custody. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

16.02.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |