

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

(214)

CRM-M-9091 of 2023
DATE OF DECISION:-19.04.2023

Akashdeep Singh @ Giani

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. K. S. Sidhu, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.74 dated 13.04.2022 under Sections 323, 324, 307, 148, 149 IPC, 1860 and later on added Section 341 IPC, 1860 vide report No.33, 10.07.2022, registered at Police Station Lambi, District Sri Muktsar Sahib.

The allegations against the petitioner as per FIR are of having given two Kappa blows on the head of the injured complainant.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* and even charges have been framed on 18.08.2022. Petitioner is already behind the bar for a period of more than 1 year now and out of the total 21 witnesses as cited by the prosecution, none has been examined so far. Learned counsel further submits that the conclusion of the trial is likely to take some time, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while referring to the nature of injuries inflicted by the petitioner.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

The investigation in the present case already stands concluded with the filing of *challan* and even charges having framed on 18.08.2022 and the fact that none of the prosecution witness has been examined so far. Petitioner is already behind the bars for a period of more than 1 year now besides, he being the first offender, there does not appear to be any justification for extending the incarceration of the petitioner any further, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

19.04.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No