

CRM-M-10461 of 2023 (O&M) 1 2023:PHHC:054913

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

(103+215)

**CRM-M-10461 of 2023 (O&M)
DATE OF DECISION:-19.04.2023**

Jai Parkash Singh and others

...Petitioners

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arshit Goyal, Advocate, for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. R. S. Dhaliwal, Advocate, for the complainant.

HARKESH MANUJA, J.

CRM-16686 of 2023

This is an application seeking amendment in the main petition.

For the reasons mentioned in the application, the same is allowed.

CRM-16686 of 2023

This is an application for placing on record the amended petition.

Allowed as prayed for.

Amended petition is taken on record.

CRM-M-10461 of 2023

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioners pray for grant of regular bail in case FIR No.223 dated 12.11.2022 under Sections 307, 323, 353, 186, 506, 148 IPC, 1860 and Section 4 of Punjab Protection of Medicare Services Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008, registered at Police Station City Phagwara, District Kapurthala (Annexure P-1).

Reply dated 19.04.2023 has been filed on behalf of respondent-State, the same is taken on record.

In view of the order dated 03.03.2023 passed by this Court wherein, the petitioner No.2 was granted concession of regular bail, the present petition survives qua petitioners No.1 and 3 only.

As per allegations levelled against the petitioners, they ransacked the room of complainant who happens to be the doctor/medical professional and besides having given beatings to him.

Learned counsel for the petitioners submits that the investigation in the present case already stands concluded with the filing of *challan* and the petitioners have already suffered incarceration for a period of 5 months and 5 days now. Learned counsel further submits that invocation of Section 307 IPC is debatable in the facts and circumstances of the present case as the incident even if taken to be as its face value happened on the spur of the moment and was never pre-planned and pre-determined. Besides it, learned counsel for the petitioners further submits that the petitioners are even ready to tender their unconditional apology before the complainant and also informs that the other co-accused who have already been granted concession of regular bail, have already felt sorry to the complainant.

On the other hand, learned State counsel assisted by Mr.R. S. Dhaliwal, counsel for the complainant, oppose the prayer made herein while submitting that the incident took place while the complainant was on his duty, though, the fact of the apology having been tendered by the other co-accused has not been disputed.

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

petitioners.

Investigation in the present case already stands concluded with the filing of *Challan* and the petitioners have already suffered incarceration for a period of more than 5 months and the conclusion of trial is likely to take some time, as such, I do not find any reason for extending the incarceration of the petitioners, importantly the petitioners shall also tender their apology before the complainant for whatever has happened.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and petitioners No.1 and 3 are ordered to be released on regular bail on their 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