

CRM-M-12811 of 2023

2023:PHHC:074171

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12811 of 2023
Date of decision: 22.05.2023

Sarabjit Singh @ Sabi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. G.S. Bajwa, Advocate,
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J.

1. In pursuance of order dated 20.03.2023 learned State counsel has filed short reply dated 22.05.2023 by way of affidavit of Manmohan Singh Aulakh, Deputy Superintendent of Police, Sub-Division Majitha, Amritsar (Rural), on behalf of respondent-State, which is taken on record.

2. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.85 dated 23.05.2020 under Sections 379-B, 326, 323, 325, 148, 149 IPC, registered at Police Station Majitha, District Amritsar Rural.

3. Present case was registered on the basis of statement of complainant Yusuf against petitioner-Sarabjit Singh @ Sabhi and 3/4 unidentified persons alleging that on 8.5.2020 petitioner-Sarabjit Singh @ Sabhi armed with *datar* and co-accused Gurpreet Singh @ Modal armed

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with *datar* attacked the complainant. Petitioner-Sarabjit Singh @ Sabhi gave *datar* blow on complainant which hit on his jaw near chin. He also gave *datar* blow on Rajwinder Singh which hit on his head. Co-accused Gurpreet Singh gave blows with *datar* on Rajwinder Singh which hit him on his left ear on his right elbow. Unidentified persons gave blows with *dangs* on the person of Rajwinder Singh. Assailants also snatched Rs.42000/- from Rajwinder Singh.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that petitioner is in custody since 01.08.2022 and investigation in the present case is complete; *challan* has been presented; charges have been framed and out of total 17 prosecution witnesses none has been examined till date, therefore, trial may take a considerable time to conclude. He further submits that although petitioner is involved in one more case being FIR No.132 dated 25.09.2018 under Sections 379/411/427/201 IPC, registered at Police Station E Division, he is on bail in the said case. Thus, no fruitful purpose would be served by detaining the petitioner behind bars.

5. *Per contra*, learned State counsel has opposed the prayer for grant of regular bail to the petitioner by submitting that he is a habitual offender. However, he could not refute that petitioner is on bail in other case registered against him; investigation is complete; *challan* has been presented; charges have been framed and out of total 17 prosecution witnesses, none has been examined till date, thus, trial may take a considerable time to conclude.

6. I have heard learned counsel for the parties and perused the record.

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7. Keeping in view the custody of the petitioner, which is 9 months and 15 days; investigation is complete; *challan* has been presented; charges have been framed and out of 17 witnesses none has been examined till date and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

22.05.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No