

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-13141-2023 (O&M)

Date of decision: 04.09.2023

Baljinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Sandeep Singh, Advocate for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

VIKAS SURI, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.05 dated 18.01.2023, under Sections 323, 324, 341, 34 IPC (Section 326 IPC added later on), registered at Police Station Boha, District Mansa.

2. Learned counsel for the petitioner has contended that there is delay of five days in lodging the FIR inasmuch as the occurrence took place on 13.01.2023 and the FIR was registered on 18.01.2023. He refers to Annexure P-2 to submit that since the dispute is between relatives, therefore, with the intervention of respectable persons, the same has been resolved amicably. Learned counsel further submits that co-accused Sukhwinder Singh @ Jitti Singh has been enlarged on bail by the trial Court vide order dated 15.05.2023 (Annexure P-4). The petitioner is in custody since 22.01.2023.

3. Learned State counsel has filed the custody certificate dated

02.09.2023 of the petitioner, which is taken on record. A copy thereof furnished to learned counsel for the petitioner. He submits that petitioner is a habitual offender and involved in three more cases, therefore, the present petition deserves to be dismissed.

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

5. Keeping in view the fact that the dispute is *inter se* family members, which has been resolved vide compromise affidavit dated 10.03.2023 (Annexure P-2); co-accused Sukhwinder Singh @ Jitti Singh has been granted the benefit of regular bail by the trial Court; the petitioner is behind bars since 22.01.2023; and the conclusion of trial will take considerable time, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

6. It is, however, made clear that the petitioner shall not influence the trial in any manner directly or indirectly and shall not leave the country without prior permission of the trial Court.

7. The observations made herein-above shall not be construed as an expression of opinion on the merits of the case.

September 04, 202

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned :

Yes / No

Whether Reportable :

Yes / No