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

**CRM-M-16873-2022
Date of Decision: 28.02.2023**

Gurjant Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Narinder S Lucky, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER J. (ORAL)

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.54 dated 14.09.2021, under Sections 307, 341, 323, 34 of Indian Penal Code (Sections 324 and 326 of Indian Penal Code added later on), registered at Police Station Mehal Kalan, District Barnala.

Custody certificate dated 27.02.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

Succinctly, the abovesaid case FIR No. 54 came to be registered on the complaint of one Amritpal Singh son of Niranjana Singh, who stated that on 10.09.2021, he was on his way to village Hardaspura on motorcycle

to meet his friends (Gurpreet Singh and Kanwalpreet Singh) and around 4:30 P.M., when he reached near Brota Wali Sath, he saw Gurjant Singh (petitioner) armed with “*Kirpan*” and Joginder Singh (co-accused) armed with “*Gandasa*”, coming on motorcycle. Gurjant Singh was driving the motorcycle and they stopped their motorcycle in front of the complainant’s motorcycle and then a quarrel took place between them and petitioner and co-accused gave injuries to him. Accordingly, the abovesaid FIR No. 54 came to be registered wherein specific injuries have been attributed to the accused persons.

A Status Report by way of affidavit of Gamdoor Singh, PPS, Deputy Superintendent of Police, Mehal Kalan, District Barnala on behalf of respondent-State of Punjab has been filed.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of statement of one Amritpal Singh (complainant) with ulterior motives. It is submitted that there is a delay of 4 days in lodging the abovesaid FIR. Learned counsel for the petitioner submits that the petitioner has been in custody since 29.09.2021. It is submitted that the challan has already been presented on 26.11.2021 and the charges have also been framed on 04.04.2022. Learned counsel submits that Joginder Singh (co-accused) has already been granted regular bail vide order dated 16.03.2022 passed by a Co-ordinate Bench of this Court. Learned counsel further submits that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence, however, it is not disputed that the petitioner has been in custody since 29.09.2021. It is also

not disputed that the investigation in this case is complete, Challan has already been presented on 26.11.2021 and the charges have also been framed on 04.04.2022. It is further not disputed that co-accused (Joginder Singh) has been granted regular bail vide order dated 16.03.2022 (Annexure P-2) passed by a co-ordinate Bench of this Court in CRM-M-3425-2022.

I have heard learned counsel for the parties and perused the paper book as well as the Status Report and custody certificate filed by learned State counsel, in Court today.

In this case, the petitioner has been in custody for the last 1 year and 5 months. Investigation in this case is complete, Challan has already been presented on 26.11.2021; charges have also been framed on 04.04.2022 and now the case is fixed for evidence. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars. Moreover, the co-accused (Joginder Singh) has already been granted regular bail vide order dated 16.03.2022 (Annexure P-2) passed by a co-ordinate Bench of this Court in CRM-M-3425-2022.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his

undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

28.02.2023
Himani

(HARSH BUNGER)
JUDGE

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