

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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CRM-M-16727-2023 (O&M)

Date of Decision: 18.05.2023

HARDEEP SINGH @ BAGGI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rahul Arora, Advocate
for the petitioner.

Mr. Kunal Muthreja, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.88 dated 30.08.2021, registered at Police Station Zira, District Ferozepur, under Sections 324, 323, 506 and 34 IPC and Sections 326 and 308 IPC (added later on), the first one having been dismissed as withdrawn on 29.07.2022.

Status report by way of an affidavit dated 08.05.2023 of the Deputy Superintendent of Police, Sub-Division Zira, District Ferozepur, filed on behalf of the respondent-State, in the Court, is taken on record. Copy whereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that initially the FIR was registered under Sections 324, 323, 506 and 34 IPC; that, thereafter, Sections 326 and 308 IPC were added; that, though, the petitioner has been allegedly attributed injury on the head of the complainant, attracting

the offence under Section 308 IPC, yet the fact remains that the petitioner has been in custody since 29.09.2021 and that challan has been presented and out of 23 prosecution witnesses, only 2 have been examined, so far. He further submits that there is no other case registered and/or pending against the petitioner and that the co-accused has already been granted the concession of bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he gave injury on the vital part (head) of the complainant, which was found dangerous to life and that the complainant remained hospitalized for about 6 days. He further submits that weapon used in the occurrence was recovered from the petitioner and that the material witnesses are yet to be examined and thus, the petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties.

Though, the petitioner has been attributed injury entailing the offence under Section 308 IPC, yet the fact remains that he has been in custody since 29.09.2021. There is no other case registered and/or pending against the petitioner. Co-accused has already been enlarged on bail. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

18.05.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No