

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

226+106

CRM-M-17566-2023 (O&M)
Date of decision: 24.07.2023

Jagir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Varinder Basa, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

Mr. Hardik Ahluwalia, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

CRM-29906-2023

Application is allowed as prayed for. Annexure P-5 is taken on record.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 48 dated 22.02.2023 registered under Sections 307, 323, 324, 326, 120-B, 148, 149 IPC, Section 323 IPC added later on and Section 325 IPC vide order dated 09.05.2023, at Police Station Civil Lines Batala, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that two injuries have been attributed to the petitioner i.e. one datar blow on the right bicep and another on the left knee of the complainant, which are non-vital part; that the injury entailing the offence under Section 307 IPC is not attributed to the petitioner

that the petitioner has been in custody 24.02.2023; that in another case, the petitioner is on bail and that co-accused Harjinder Kaur and Guriqbal Singh, are on anticipatory bail.

Learned State counsel and learned counsel for the complainant, while vehemently opposing the prayer for bail, submit that the petitioner has actively participated in the crime and inflicted two injuries on the person of the complainant and earlier also he has been involved in such activities. He is involved in another case registered under Section 379 IPC. However, learned State counsel does not dispute the custody period of the petitioner and submits that charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 24.02.2023. The injuries attributed to the petitioner are not on the vital part. Two co-accused have already been granted anticipatory bail by the learned trial Court. Charges are yet to be framed. In another case, the petitioner is on bail. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

(HARNARESH SINGH GILL)
JUDGE

24.07.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No