

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

279

CRM-M-22944-2023 (O&M)

Date of decision: 06.07.2023

Sarabjit Singh @ Sabi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Monty Goyal, Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-25626-2023

Prayer in the application is for grant of interim bail to the petitioner for a period of four weeks in order to get operated his wife, who is suffering from Dysfunctional Uterine Bleeding (DUB).

Learned counsel for the petitioner submits that he does not want to press the present application, however, he prays for preponement of the main petition.

In view of the above, the present application is disposed of and the main case is preponed from 12.09.2023 to that of today and the same is taken on the Board for hearing.

Main case:

The petitioner has filed this 3rd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 264 dated 24.08.2020 registered under Sections 307, 341, 148, 149 IPC, at Police Station Habbowal, Police Commissionerate, Ludhiana, District Ludhiana. The first petition was

dismissed as withdrawn and the second petition was dismissed on merits on 06.02.2023.

Status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that as per the allegations, though there are six injuries on the person of the complainant, yet only two injuries with a *Gandasi*, have been attributed to the petitioner i.e. one on the leg and another on the wrist of the complainant, which are not on the vital part; that out of total 09 accused, 08 have already been granted bail; that challan has been presented; that out of 19 prosecution witnesses, none has been examined so far; that the petitioner has been in custody since 09.08.2021 and that as far as other four cases against the petitioner are concerned, he has been acquitted in 03 cases and in 01 case, he is on bail.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has given two *Gandasi* blows one on the leg and another on the wrist of the complainant. The petitioner is a habitual offender. However, he does not dispute the custody period of the petitioner. He submits that material prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 09.08.2021. The injuries attributed to the petitioner are not on the vital part of the body of the complainant i.e. one is on the leg and another on the wrist. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Out of 04 other cases registered against him, the petitioner has been

acquitted in three cases and in one case, he is on bail. 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

06.07.2023
Mangal Singh

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