

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.22558 of 2023
Date of decision: 19th July, 2023

Gori @ Charanjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Tanvir Joshi, Advocate for the petitioner.

Mr. Vinay K. Gupta, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.43 dated 19.02.2023 under Sections 323, 341, 506, 148, 149 IPC (Section 308 IPC added later on) registered at Police Station Civil Lines, District Bathinda.

2. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel for the petitioner inter alia contends that general allegations had been levelled against the petitioner that he along with the co-accused inflicted injury with hockey stick and baseball bat on the forehead and chest of the father of complainant. He submits that subsequently, in a statement recorded under Section 161 Cr.P.C., the injured spelt out specific roles played by the accused, wherein he

categorically stated that the injuries had been inflicted upon him by co-accused Madan Gopal alias Gugi. Learned counsel further submits that the co-accused Madan Gopal alias Gugi has since been extended the concession of regular bail by the trial Court. He submits that in the aforementioned facts and circumstances, since the petitioner has now been in custody for more than four months, having been arrested on 15.03.2023 and charges have not yet been framed after challan was presented on 10.05.2023, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed that injuries attracting the mischief of Section 308 IPC had not been attributed to the petitioner but to co-accused Madan Gopal alias Gugi, who has since been extended the concession of bail. Learned State counsel on instructions has apprised the Court that as many as 16 prosecution witnesses have been cited and the next date of hearing fixed before the trial Court is 27.07.2023 when the charges are likely to be framed. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he has replied in the negative.

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

5. Investigation in the case in hand is complete and as not disputed by the learned State counsel as well, injuries inviting the mischief of Section 308 IPC have not been attributed to the petitioner but to co-accused Madan Gopal alias Gugi, who has been enlarged on bail by trial Court. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 19, 2023
rps

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