

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.227

CRM-M-22797-2023
Date of decision:08.11.2023

Swaran Singh

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

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

Mr. M.S. Bajwa, DAG, Punjab.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.01 dated 01.01.2023 registered under Sections 307/341/323/326/34 IPC at Police Station City Rampura, District Bathinda.

2. As per the case of the complainant, on 31.12.2022, when he along with his brother Ajay was going to their house after closing the shop, accused persons encircled his brother Ajay on the way and one of the unidentified accused person raised lalkara and told to Swaran Singh (petitioner) that in the morning his brother Ajay stopped them from smoking and therefore they would be taught a lesson for that. Swaran Singh (petitioner) gave iron rod blow which hit on the head of his brother Ajay. The other unidentified persons also caused injuries with gandassas. On raising noise, the accused persons ran away from the spot. With these broad allegations, FIR in the present case was registered against the petitioner.

3. Learned counsel for the petitioner submits that the petitioner was arrested in the present case on 01.01.2023 and is in custody for the last

more than 10 months. He further submits that the petitioner is suffering from HIV/HCV/VE, Hepatitis-C and Thyroid and due to above-said disease, the petitioner is becoming weak day by day. He next submits that only 04 witnesses have been examined out of total 24 witnesses and thus, his further custody will not serve any meaningful purpose.

4. On the other hand, learned counsel for the State has vehemently opposed the prayer made by the learned counsel for the petitioner by submitting that there are serious allegations against the petitioner and he has been specifically named

5. Status report dated 08.11.2023 filed in Court is taken on record.

5. I have heard the learned counsel for the parties and perused the case file minutely.

6. In the present case, the petitioner was arrested on 01.01.2023 and he is in custody for the last more than 10 months. The investigation has been completed and challan has already been presented before the competent court. Moreover, till now only 04 witnesses have been examined out of total 24 witnesses. Apart from that as per latest medical report (Annexure P-6), the petitioner is suffering from HIV and Hepatitis C. He is also suffering from Thyroid disease.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S. SHEKHAWAT)
JUDGE

08.11.2023
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO