

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26599-2022

Date of Decision: 13.2.2023

George Masih

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Balbir Singh Jaswal, Advocate with
Mr. Karan Dhawan, Advocate,
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.100 dated 12.5.2020 registered for the offences punishable under Sections 326, 323, 324, 148, 149 IPC at Police Station Kamboj, District Amritsar.

The allegations in nutshell are that at the time of the occurrence, co-accused Manpreet @ Mannu raised a *lalkara* exhorting his companion to teach a lesson to the complainant for helping Saleem during the quarrel with them previously; that the petitioner gave sword blow which hit on the right elbow of the complainant, co-accused Dona gave datar blow on the left arm of the complainant, Vicky gave datar blow on the right wrist while co-accused Sajjan gave *khanda* blow on the left elbow of the complainant, co-accused Harjinder Singh @ Gujjar gave 4 repeated blows

of sword which hit on the right leg and shoulder of the complainant, co-accused Yousaf gave two blows of datar which hit on the right thumb and left feet, co-accused Gajjan gave blow with reverse side of the datar on the left shoulder of the complainant while Manpreet @ Manna gave two blows of salaggar on the right elbow of the complainant. The injury caused by the petitioner was found to be simple in nature.

Counsel for the petitioner *inter alia* contends that the petitioner, who is falsely implicated in the present case, is in custody for the last more than 9 months and that after completion of investigation, the police has presented the challan and charges are also framed but till date, no prosecution witness is examined. He further submits that co-accused Vicky @ Vikram who caused grievous injury, is already granted concession of regular bail by Coordinate Bench of this Court vide order dated 27.10.2021 (Annexure P-2).

The present petition is resisted by the State counsel who on instructions from ASI Sukhwant Singh has not disputed the fact that the injury caused by the petitioner is found to be simple in nature and that co-accused who attributed grievous injury, has been granted regular bail vide order dated 27.10.2021 (Annexure P-2).

I have considered the submissions made by the counsel for the parties.

The offences are triable by the Court of Judicial Magistrate, 1st Class and the petitioner, who is attributed simple injury, is in custody for the last more than 9 months and after completion of investigation, the police has presented the challan and co-accused Vicky @ Vikram to whom grievous injury is ascribed, is already given benefit of regular bail vide order

Annexure P-2. Further, it will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

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

(KARAMJIT SINGH)
JUDGE

February 13, 2023
Paritosh Kumar

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