

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-26624-2023 (O&M)

Date of Decision: 20.07.2023

JOGINDER SINGH @ JINDER

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.102 dated 16.06.2021, registered under Sections 302, 379-B, 506, 148 and 149 IPC and Section 201 IPC (added later on), at Police Station Koon Kalan, District Ludhiana.

Short reply by way of an affidavit dated 13.07.2023 of the ACP, Industrial Area-A, District Police Commissionerate, Ludhiana, filed on behalf of the respondent-State, in the Registry, is taken on record. Copy whereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner submits that though the petitioner has been named in the FIR, yet the fact remains that he has been in custody since June, 2021; that complainant, namely, Mewa Singh, while appearing as PW-1 before the learned trial Court, has not supported the prosecution version and turned hostile; that there is no specific injury attributed to the petitioner and that the allegation against the petitioner is

that he was holding an iron pipe in his hand and he along with 10 other unidentified accused persons has assaulted Mangat Singh (since deceased). He further submits that three accused persons, who were specifically named in the FIR, have been found innocent and that the similarly situated co-accused, namely, Lakhdeep Singh @ Lakhi, has since been granted the concession of regular bail by a Coordinate Bench of this Court on 16.05.2023. Still further, it is submitted that out of total 24 prosecution witnesses, only 1 has been examined so far and that now an application under Section 311 Cr.P.C. moved by the complainant is pending adjudication.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the complainant is the real brother of Mangat Singh and that the petitioner had actively participated in the occurrence, inasmuch as, he along with other co-accused (armed with deadly weapon) have attacked Mangat Singh (since deceased) and Gurmukh Singh. He further submits that the complainant, the petitioner and the other accused persons are the residents of the same village and that material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since June, 2021. The complainant, who is the real brother of the deceased, has turned hostile. No specific injury has been attributed to the petitioner. Co-accused has

already been enlarged on bail. Most of the prosecution witnesses are yet to be examined. Now, an application under Section 311 Cr.P.C. moved by the complainant is pending consideration. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

20.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No