

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

204

CRM-M-26892-2023
Date of Decision: 16.06.2023

RAHUL ALIAS KARAMVIR SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Abhinav Jain, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.472, dated 04.11.2022 under Sections 307, 324, 323, 326, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City Faridkot, District Faridkot (Annexure P-1).

As per the allegations levelled in the FIR, the incident in question took place at 11.30 A.M. resulting in injuries to Sajan and Binder Singh. The petitioner is alleged to be armed with a *Kappa* and having given a grievous injury on the head of Sajan. He submits that injury attracting Section 307 of IPC is not attributed to the petitioner. He contends that the petitioner is in custody since 23.01.2023 and has undergone actual custody of nearly five months. The investigation in the case is complete and the final report has already been filed by the Investigating Agency. He further submits that the wife of the petitioner is pregnant for 7½ months and the expected date of delivery is 15.07.2023. It is

further submitted that there is no other male member in the family to look after the wife of the petitioner. It is also averred that the charges have not been framed till date and a total of 20 prosecution witnesses have to be examined. The trial of the case might take long time to conclude.

Per contra, learned State Counsel opposed the grant of regular bail to the petitioner while submitting that the petitioner is attributed a grievous hurt/injury to the complainant with a Kappa, which has been recovered from the petitioner pursuant to his disclosure statement. Hence, the participation of the petitioner in the alleged crime is well established. He, however, could not dispute that the petitioner has already undergone actual custody of nearly five months. It is also not disputed that the investigation is already complete and final report has also been filed. Even the charges have not yet been framed. Further the custody of the petitioner is not warranted for the purpose of the present case.

I have heard the learned counsel for the respective parties and have also gone through the documents appended alongwith the present petition with their able assistance.

Taking into consideration the fact that the petitioner is in custody for the last nearly five months as also the fact that the wife of the petitioner is pregnant for 7½ months, I deem it appropriate to grant the concession of regular bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands allowed accordingly.

16.06.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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