

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-27928-2023
Date of decision : 03.07.2023

Boota Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Riffi Birla, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No. 18 dated 26.02.2023 registered under Sections 341, 324, 148 and 149 Indian Penal Code (Section 326 Indian Penal Code added later on) registered at Police Station Bahavwala, District Fazilka (Annexure P-1), who is in custody since his arrest on 08.03.2023.

Learned counsel submits that initially the FIR was registered for the alleged commission of offences punishable under Sections 341, 324, 148 and 149 Indian Penal Code, but subsequently the offence punishable under Section 326 Indian Penal Code was added. According to the learned counsel the injury suffered by the victim inviting the offence punishable under Section 326 Indian Penal Code is attributed to the co-accused namely Nirmal Singh. She has further argued that in the alleged occurrence, the petitioner also suffered two injuries and after conclusion of the investigation three co-accused

namely Deepa Singh, Desa Singh and Jagtar Singh @ Jaggu have been declared innocent vide DDR No. 20 dated 28.05.2023. She prays for bail.

Learned State counsel assisted by ASI Kala Singh while opposing the prayer does not dispute this fact that the injury falling under Section 326 Indian Penal Code is attributed to Nirmal Singh and investigation of the case is complete.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner, this Court is of the opinion that further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 08.03.2023. Apart from it, the remaining prosecution witnesses are either police officials or injured and at present, there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

03.07.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No