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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30656-2023(O&M)
Date of Decision: 24.08.2023

Parminder Singh @ Sunny

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Ghuman, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Nikhil Ghai, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.0036 dated 20.02.2023, under Sections 307, 323, 341, 506, 149 IPC, registered at Police Station Division 6, Police Commissionerate, Ludhiana.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 05.03.2023 which is more than 5 months and the investigation of the case has already been completed and challan has been presented. He submitted that the petitioner is not involved in any other case and has got clean antecedents and it was only a case of a road rage where a sudden fight took place and as per the allegation, the petitioner had caused injuries to the complainant on his head. He submitted that in fact it was only because of misunderstanding at that point of time which was a sudden fight

and there was no motive at all even as per the prosecution in the present case. He submitted that considering the aforesaid facts and circumstances and also considering the fact that the petitioner is having no criminal background and is not involved in any other case, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that it is correct that the petitioner is in custody for more than 5 months. He has submitted that it is a case where the petitioner had caused injury on the head of the complainant which was declared to be dangerous to life and therefore, the petitioner is not entitled for the grant of regular bail.

4. Mr. Nikhil Ghai, Advocate appearing on behalf of the complainant has submitted that a compromise has been effected between the petitioner and the complainant and the injured was the brother of the complainant and he has already been discharged from the hospital.

5. I have heard the learned counsel for the parties.

6. It is a case where the petitioner has already faced incarceration for more than 5 months and investigation of the case has already been completed and challan has been presented. The petitioner is stated to be not involved in any other case. Learned counsel for the complainant has stated that it was a case of a road rage and a sudden fight took place between the petitioner and the complainant and his brother and now the injured has already been discharged from the hospital. Furthermore, it is not the case of the State counsel and the counsel for the complainant that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

7. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.
8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.
9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

24.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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