

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

227

CRM-M-32808-2023 (O&M)

Date of Decision: 28.08.2023

HARJIT SINGH @ VAQIL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Janak Singh Bhinder, 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.131 dated 26.10.2022, registered under Sections 307, 323, 341, 427, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, at Police Station Dirba, District Sangrur.

Status report by way of an affidavit dated 28.08.2023 of the Deputy Superintendent of Police, Sub-Division Dirba, filed on behalf of the respondent-State, in the Court, is taken on record. Copy thereof has been supplied to the learned counsel opposite.

Learned counsel for the petitioner submits that, though, the allegation against the petitioner is that he has given a gandasi blow on the left side of the head of the complainant, yet the fact remains that the petitioner has been in custody for about 8 months and 29 days and that post presentation of the challan, the charges are yet to be framed. He further submits that there are total 8 accused in the present FIR

(including the petitioner), out of which one has been declared innocent, one is yet to be arrested and the remaining 5 are on bail and that as far as two other cases registered against the petitioner are concerned, he is on bail in the said cases.

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 petitioner had actively participated in the occurrence, inasmuch as, he has inflicted a gandasi blow on the left side of the head of the complainant, which is a vital part; that the said injury was declared dangerous to life and that the petitioner is a habitual offender and facing two more cases. He further submits that the charges are yet to be framed and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

Though an injury with a gandasi, on the left side of the head of the complainant, has been attributed to the petitioner, yet the fact remains that he has been in custody for about 8 months and 29 days. Five other co-accused have already been enlarged on bail. As far as two other cases registered against the petitioner are concerned, he is on bail in those cases. The charges are yet to be framed and the prosecution evidence is yet to commence. 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.

28.08.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No