

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M-34976-2023

Date of Decision: 17.11.2023

Harpal Singh @ Pal Fauji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Imaan Singh Khara, Advocate,
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

VIKAS SURI, J.

1. The petitioner, aged about 80 years, has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.16 dated 25.02.2023, under Sections 323, 506, 34 and 307 IPC (Section 302 IPC was added later on), registered at Police Station Balianwali, District Bathinda.

2. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the case. The petitioner although has been named in the FIR but except for *lalkara*, no overt act has been attributed to him; rather as per the prosecution version, petitioner was empty handed at the time of occurrence. It is mentioned in the FIR that one Sunty Singh has given a spade blow on the person of Sandeep Singh and thereafter, Gurvinder Singh and Manjinder Singh @

Honey gave beatings to him but as per the MLR (Annexure P-5), only one injury has been found on the person of deceased. It is submitted that the petitioner is suffering from various ailments and needs extra care at this juncture of his life. It is further submitted that FIR in question has been registered after a delay of eight days; petitioner was arrested on 27.02.2023 and since then he is in custody; no recovery has been effected from him; charges stand framed after the submission of final report under Section 173 Cr.P.C. and out of 15 prosecution witnesses cited, none has been examined so far and thus, conclusion of the trial will take considerable time. Learned counsel for the petitioner submitted that no useful purpose would be served by keeping the petitioner behind bars for an indefinite period.

3. Upon notice and pursuant to order dated 31.10.2023, learned State counsel has filed short reply by way of affidavit dated 16.11.2023 alongwith medical status report (Annexure R-1) regarding health and medical condition of the petitioner, in Court today, which is taken on record. A copy thereof furnished to learned counsel for the petitioner. It is mentioned in the medical status report (Annexure R-1) that petitioner is suffering from DM2/HTN/Dyslipidaemia/Prostatomegaly/Post OP Contract B/L Eyes/ Post Cholecystectomy and Left Inguinal Hernia and is under regular treatment from the Jail Hospital. He was referred to medicine and surgery OPD at Civil Hospital Bathinda, on 11.11.2023 for treatment and thereafter, on 14.11.2023 to AIIMS Bathinda for urologist opinion, and presently he is stable and taking medicine regularly and has no complaints.

4. Learned State counsel has opposed the present petition for grant of regular bail to the petitioner, however, he could not dispute the other

factual aspects as submitted by learned counsel for the petitioner.

5. Heard learned counsel for the parties.
6. Keeping in view the totality of the facts and circumstances that the petitioner is of mature age and in custody since 27.02.2023; he is suffering from various ailments; except for *lalkara*, no overt act having been attributed to him; no recovery has been effected from the petitioner; and out of 15 prosecution witnesses cited, none has been examined so far and thus, trial is not likely to concluded in near future; and no useful purpose would be served by keeping him behind bars for an indefinite period, the present petition deserves to be accepted.
7. Accordingly, the instant bail petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail-bond and surety/sureties to the satisfaction of concerned trial Court/Duty Magistrate.
8. It is made clear that the petitioner shall not influence the trial or any prosecution witnesses in any manner directly or indirectly.
9. The observation made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

November 17, 2023

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(VIKAS SURI)

JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No