

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34929-2023

Date of Decision:26.07.2023

Harjinder Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail to him in case FIR No.153 dated 06.08.2022 registered under Sections 323/324 of IPC (Section 326 of IPC added later on), at Police Station Beas, District Amritsar Rural.

The FIR in the present case was registered on the basis of the statement made by Baldev Singh, who had retired from Indian Army. As per the complainant, at about 7.00 pm on 04.08.2022, he and his younger son were walking outside his house. After walk, he was sitting on a chair and his son was standing near him. In the meantime, Harjinder Singh, accused came out of his house and was having a *dattar* in his right hand. On coming close to him, he gave two *dattar* blows on the left side of his head and due to this, the complainant fell down on the ground and the blood started oozing. His son raised an alarm to save him and on this, Harjinder Singh, accused fled away from the spot with his *dattar*.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 10.10.2022 and the challan has been presented against him. However, the trial before the learned trial Court has not progressed and only PW-1 has been examined, out of total 10 witnesses. He further contends that the entire prosecution case is based on the testimonies of the complainant and his son and there is no independent corroboration of the version of the prosecution and no useful purpose would be served by keeping the petitioner in judicial custody.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground that he is the only accused in the present case and he had caused serious injuries on the head of the injured.

I have heard the learned counsel for the parties and perused the record.

It is not in dispute that the petitioner is in custody for the last about 09 months and the trial in the present case is at an initial stage. Even though the grievous injury is attributed to the present petitioner, but his further incarceration would not serve any purpose.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

26.07.2023
hemlata

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