

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-35609-2023 (O&M)
Date of decision: 31.07.2023

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Yajur Sharma, Advocate for the petitioner

Ms. Himani Arora, AAG Punjab

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.76 dated 29.04.2022, registered under Sections 324, 323 and 34 IPC (Section 326 IPC added lateron), at Police Station Ajnala, District Amritsar.

2. Learned counsel contends that the petitioner is in custody for the last 2 months and 11 days. It is a case of version and cross-version, wherein as per the MLR dated 21.04.2022 (Annexure P-2), incised wounds on the left eye and forehead of the petitioner were inflicted, at the hands of the complainant party and a GDR No.24 was registered on 03.05.2022 (Annexure P-3). The complainant has been granted bail in the said case, wherein the challan has been presented. While with regard to the cross-version, the FIR in question was registered on 29.04.2022, after a delay of 8 days by the complainant party and challan stands presented on

24.07.2023. The injuries attributed to the petitioner are on the shoulder and waist of the complainant. He is otherwise brother-in-law of the complainant and there is a civil litigation also pending *inter se* parties at the hands of the petitioner, Annexure P-4, it being a suit for permanent injunction, wherein status quo has been granted in his favour. Charges have not been framed. In all there are 10 prosecution witnesses. The petitioner is not involved in any other case.

3. The custody certificate dated 28.07.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for the last 2 months and 1 day.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner of having caused grievous injuries to the complainant. She is however unable to controvert the submissions with regard to stage of the case, complainant having been granted bail in cross-version and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 months and 1 day; not involved in any other case; complainant in the cross-version has been granted bail; there is civil litigation stated to be pending inter se the parties; challan stands presented on 24.07.2023, however, charges are yet to be framed; in all there are 10 prosecution witnesses, the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to his not being required in any other case. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein

are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

July 31, 2023

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No