

222
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35959-2023(O&M)
Date of Decision: 02.08.2023

Baljinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navkiran Singh, Advocate, for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

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.212 dated 16.12.2019, under Sections 302, 148, 149 and 323 IPC, registered at Police Station Mehatpur, District Jalandhar Rural.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 3 ½ years and only 4 prosecution witnesses have been examined including the eye witness/complainant. He submitted that eye witness/complainant, namely, Nirmal Dass has already been examined and he has not supported the prosecution version and rather stated that the petitioner and the other accused are not the persons who had attacked the deceased. He further submitted that the other co-accused have already been extended the benefit of bail and the allegations attributable to the petitioner were with regard to causing injuries to the deceased but eye witness/complainant has not

supported the prosecution version. He further submitted that petitioner is not involved in any other case and has got clean antecedents and in fact it is a case of version and a cross version and both the parties had received injuries. He further submitted that be that as it may now the petitioner has already faced incarceration for 3 ½ years and the trial of the case may take long time and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab has submitted that it is correct that the petitioner is in custody for 3 ½ years and the other co-accused have been extended the benefit of regular bail. While referring to the statement of complainant/eye witness, namely, Nirmal Dass, he submitted that he did not support the prosecution version. He has however opposed the grant of bail to the petitioner on the ground that the petitioner is the main accused but the antecedents of the petitioner that he is not involved in any other case is not disputed by the learned State counsel.

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

5. It is a case where the petitioner has already faced incarceration for 3½ years and only 4 witnesses have already been examined including the complainant/eye witness. The complainant/eye witness has not supported the prosecution version and has been declared hostile. The other co-accused have already been extended the benefit of regular bail. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or may influence any witness particularly in view of the fact that the eye witness/complainant has already been examined and has not supported the prosecution version.

6. In view of the aforesaid facts and circumstances, this Court

deems it fit and proper to grant regular bail to the petitioner.

7. 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.

8. 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.

02.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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