

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108+217

CRM-3395-2023 in/&
CRM-M-39420-2022 (O&M)
Date of decision: 24.01.2023

BALWINDER SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab.

Mr. L.S. Sidhu, Advocate
for the complainant.

AMAN CHAUDHARY. J.

CRM-3395-2023

Present application has been filed seeking amendment of headnote and prayer clause of the petition to the extent of adding offence under Section 325 IPC.

Notice in the application.

Mr. Kamalpreet Bawa, AAG Punjab accepts notice and has no objection.

For the reasons stated in the application, same is allowed. Section 325 IPC is ordered to be incorporated in the head note as well as prayer clause of the petition. Registry is directed to carry out necessary amendment.

CRM-M-39420-2022

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.117 dated 19.06.2022, under Sections 452, 324, 427, 323, 325 and 34 of IPC (Section 452 of IPC deleted and Sections 326 and 459 of IPC added lateron vide G.D./DDR No.30 dated 23.06.2022, registered at Police Station Talwandi Sabo, District Bathinda.

Learned counsel contends that the petitioner has been falsely implicated in the case and it is a case of version and cross-version for which complaint under Sections 307, 323, 406 and 34 of IPC has been filed by the father of the petitioner, wherein the complainant in the present case has been summoned on 17.10.2022. He submits that the petitioner has been in custody for the last about 7 months and the dispute is *inter se* the family members over property, the injured being his paternal uncle and aunt. He submits that charges have been framed, however, none has yet been examined and in all there total of 21 witnesses and the trial will take sufficient time to conclude.

Learned State counsel as well as learned counsel for the complainant opposes the bail on the ground that two injuries have been attributed to the petitioner, one over the head of his uncle and another on the arm of his aunt, which were found to be grievous in nature. However, they are unable to controvert the submissions made by learned counsel for the petitioner.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 25.06.2022; though charges have been framed, however, none has yet been examined; in all there total of 21 witnesses; the trial

is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

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 him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. 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.
5. 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.
6. The petitioner shall not in any manner misuse his liberty.
7. 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.
8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

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.

In view of the above, this Court makes it clarified that the

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

(AMAN CHAUDHARY)
JUDGE

January 24, 2023

M.Kamra/S.Sharma(syr)

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