

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.39435 of 2022
Date of Decision: 12.01.2023

Amarjit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Jasmeet Singh Ghuman, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has made the **2nd** attempt to seek the relief of regular bail in the criminal case arisen out of the FIR bearing No.91 dated 05.06.2021 registered at Police Station Kartarpur, District Jalandhar Rural, under Section 308 IPC, with the allegations that he had caused the injury on the head of his brother, i.e complainant-injured-Charanjit Singh with *gandasi*.

2. It is worth-while to mention here that the petition bearing **CRM-M No.31905 of 2021**, as moved by the petitioner earlier for seeking the same relief, had been dismissed by this Court vide the order dated 10.11.2021 (Annexure P-5) for its having been withdrawn.

3. Mr. Kunal Muthreja, learned Assistant Advocate General, Punjab, has put in appearance on behalf of respondent No.1-State in

pursuance of the notice of the present petition having been sent to this respondent in advance and has submitted the custody-certificate of the petitioner in the Court and the same is taken on the record. He, on the instructions from HC Sukhdev Singh from the above-said police station, informs the Court that the afore-named injured has already been examined as the prosecution witness by the trial Court.

4. At this stage, Mr. Vikas Bali, Advocate, has appeared on behalf of respondent No.2-complainant-injured and has submitted his Power of Attorney in the Court and the same has also been taken on the record.

5. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for respondent No.2-complainant-injured) in this petition and have also perused the file carefully.

6. Learned counsel for the petitioner contends that the petitioner is behind the bars since the date of his arrest, i.e 05.06.2021 and the complainant-injured has already been examined as the prosecution witness in the trial Court and moreover, the petitioner is not involved in any other criminal case of the similar nature and in these circumstances, he deserves the relief as prayed for in the instant petition.

7. Learned State counsel and learned counsel for the complainant-injured do not dispute the above-referred factual position but they oppose the prayer of the petitioner for the grant of the relief of regular bail.

8. However, keeping in view the afore-discussed undisputed facts and circumstances and also the fact that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the case, the petitioner named Amarjit Singh is

ordered to be released on regular bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. The petition in hand stands allowed accordingly.

January 12, 2023
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>