

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

236

CRM-M-39079-2023 (O&M)

Date of Decision: 17.08.2023

SURINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. RS Cheema, Senior Advocate with
Ms. Sumanjit Kaur, Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.33 dated 23.03.2023, registered under Section 307 IPC, at Police Station Sidhwan Bet, District Ludhiana.

Learned Senior counsel for the petitioner submits that the alleged occurrence took place on 18.03.2023, whereas the FIR was registered on 23.03.2023 i.e. after a delay of about 4-5 days; that, as per the medical legal examination, no injury on the person of the injured was attributed with kirch; that as per the CCTV footage, the injuries on the person of the injured were caused by the car, which was been driven by the petitioner and that too on the non-vital part; that the said CCTV footage was not taken into possession by the Investigating Agency; that it was the complainant, who himself was coming in front of the car of the petitioner and that the petitioner was not having any intention to cause any injury on the person of the complainant. He further submits that the injured has already been discharged from the hospital.

Learned Senior counsel for the petitioner further submits that despite issuance of summons to prosecution witnesses, namely, Visakha Singh and Manpreet Singh, they have not come forward and that, now, the said witnesses have been summoned throughailable warrants for 01.09.2023 and that the petitioner has been in custody since 23.03.2023.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, kirch blows on left arm of the complainant have been attributed to the petitioner and that the kirch, which was used in the occurrence, was recovered from the car of the petitioner. He further submits that there were 7 injuries on the person of the complainant with blunt weapon, which were declared grievous in nature and that most of the prosecution witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 23.03.2023. There is a delay of about 4-5 days in lodging the present FIR. The injuries attributed to the petitioner are with blunt weapon, though grievous in nature. Despite issuance of summons to Visakha Singh and Manpreet Singh, they have not come forward for recording their evidence and now they have been summoned throughailable warrants. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

17.08.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No