

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

213

CRM-M-42379-2022

Date of Decision : January 05, 2023

Rupinder Singh

-Petitioner

VERSUS

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Harsh Neyol, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab..

KULDEEP TIWARI. J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.68 dated 16.05.2020, registered under Sections 324/341/323/148/149/307/326 of IPC, at P.S. Bahawala, District Fazilka, during the pendency of the trial.

The allegation against the present petitioner is that on 15.05.2020, at about 04:15 p.m., when complainant Pappu Singh was grazing buffaloes in the fields of Kaku Singh, he along with other co-accused, armed with deadly weapon, inflicted grievous as well as simple injuries on vital body parts of the complainant. So far as specific allegation against the present petitioner is concerned, he is alleged to have given a Dang blow to the complainant, with an intention to kill him, which hit in the middle of his head.

Initially, the FIR was registered under Sections 324, 341, 323, 148 and 149 IPC, however, after receipt of medical record as well as

opinion of doctor, offence under Sections 307 and 326 of IPC were subsequently added. The petitioner was arrested on 06.05.2022.

Learned counsel for the petitioner stated that the petitioner is not known by the name of Peetu, rather, he is known as Rupinder Singh @ Doli and he has been falsely roped in the present case solely due to political rivalry. He further stated that the supplementary statement of complainant, under Section 161 Cr.P.C., wherein he alleged that Peetu is known as Rupinder Singh @ Doli, has been recorded at a very belated stage. He further submitted that the investigation has already been completed. Initially, the final report was presented on 26.03.2021 and charges were framed on 06.12.2021, however, after recording of supplementary statement of the complainant, supplementary challan qua the petitioner was filed way back on 09.08.2022 and thereafter, fresh charges were framed on 25.09.2022. The prosecution has cited total 32 witnesses to substantiate the allegations against the accused persons, however, one 1 witness has been examined as of today. He further stated the petitioner has suffered sufficient incarceration as he is behind the bars since 06.05.2022 and the trial is not likely to conclude any time soon.

On the other hand, the learned State counsel opposed the bail application with the submissions that the petitioner along with his co-accused inflicted multiple grievous as well as simple injuries to the complainant, with intention to kill him, and therefore, he does not deserve the concession of regular bail. The learned State counsel has also filed the custody certificate of the petitioner today in the Court, which is taken on record. As per the custody certificate, the petitioner has undergone 8 months and 2 days and he is not involved in any other case.

Considering the fact that only 1 witness has been examined so far, out of total 32 witnesses, and the period of incarceration undergone, I deem it appropriate to grant the benefit of regular bail to the petitioner as it is not in the interest of justice to keep the petitioner behind the bars for indefinite period since the trial is not likely to conclude in the near future. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

January 05, 2023

devinder

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No