

CRM-M-46477 of 2022

2023:PHHC:058572

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

CRM-M-46477 of 2022

Date of decision: 25.04.2023

Gurwinder Khan @ Khan

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Amandeep Chhabra, Advocate, for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.29 dated 01.04.2021 under Sections 324, 506, 341, 148, 149 IPC (Section 326 IPC added later on), registered at Police Station Rampura Sadar, District Bathinda.

2. Present FIR has been registered on the statement of complainant Khushpreet Singh to the effect that on 29.03.2021, at about 7.00 pm, he along with friend Harcharan Singh was on the evening walk, in the area of Ballo Ghurela. Both of them were assailed by Jaggi Pandit who was armed with sword, Khan (present petitioner) armed with sword, Shaktimaan @ Gurdit Singh armed with handle of hand-pump, Khushi armed with sword along with 7/8 unknown persons. Jaggi Pandit exhorted his associates to assail upon the complainant Khushpreet Singh and Harcharan Singh. The said Jaggi Pandit gave a blow of sword at the head of

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the complainant and he gave another blow at the right arm of the complainant, but, in order to ward off second blow, he raised his left arm and that blow hit on his left arm. Harcharan Singh came forward to rescue the complainant from the said assailants, whereby Khan (present petitioner) gave a blow of his sword, which hit at the head of Harcharan Singh. He gave another blow of sword at the left leg of said Harcharan Singh. Co-accused Shaktiman @ Gurdit Singh gave blows of handle of pump at the person of Harcharan Singh at his left arm and left leg. The other associates of said Jaggi Pandit, who could not be identified by the complainant also gave beatings at the person of complainant Khushpreet Singh and Harcharan Singh.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further submits that the only allegation against the petitioner is that he had inflicted five injuries on the person of Harcharan Singh, which are simple in nature. He further submits that the injury for which Section 326 IPC has been added is attributed to Shaktiman. Learned counsel further submits that investigation in the present case is complete; challan has been presented; charges against the petitioner have been framed on 15.11.2022 and none of the prosecution witnesses has been examined till date. He submits that petitioner is in custody since 09.07.2022. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel while placing on record status report dated 24.04.2023 as well as custody has opposed the prayer for grant of regular bail to the petitioner by submitting that specific role has been

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attributed to the petitioner that he gave sword blows on the person of Harcharan Singh and his friend. However, he could not refute that investigation in the present case is complete; challan has been presented; charges have been framed against the petitioner; no prosecution witness has been examined as yet and the petitioner is not involved in any other case and is in custody for 09 months and 17 days.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is 09 months and 17 days; investigation is complete; challan has been presented; charges have been framed; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

25.04.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No