

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.44121 of 2023
Date of decision: 4th December, 2023

Gurdial Singh @ Sabi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amritpal S. Sohal, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.35 dated 05.05.2022 under Sections 302, 326, 325, 324, 323, 201, 148, 149 of the IPC registered at Police Station Qadian, Police District Batala, District Gurdaspur.

2. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel inter alia contends that though the petitioner has been named therein and was alleged to be armed with a Datar, however, the FIR was completely silent with respect to the role played by him in the occurrence in question, much less of the petitioner having inflicted any injury on the person of the stamped witnesses or even the deceased for that matter. He

submits that the petitioner has clean antecedents; he has been in custody since 14.06.2022 and as on date, 5 prosecution witnesses including the complainant, who was allegedly an eye-witness to the occurrence in question, stand examined; hence, further incarceration of the petitioner would serve no useful purpose, more so when as many as 21 witnesses cited by the prosecution still remain to be examined. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that it was a premeditated attack, which was carried out by the accused party on the complainant as there was a history of animosity between them. However, learned State counsel, on instructions, has not been able to dispute that the FIR was completely silent with respect to any specific role played by the petitioner in the crime in question. Learned State counsel, however, submits that the petitioner at the relevant time was armed with a lethal weapon i.e. Datar and during investigation, it had come to the fore that he had inflicted injuries on the stamped witnesses.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody since 14.06.2022. Other than the presence of the petitioner being shown at the time of the

occurrence in question, in the FIR, no role much less any injury has been attributed to him either on the stamped witnesses or the deceased. As not disputed by the learned State counsel, all the material witnesses including the stamped witnesses, stand examined. In the circumstances, further incarceration of the petitioner would serve no useful purpose as there is no likelihood of the trial concluding in the near future.

6. In the facts and circumstances, as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 4, 2023

rps

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