

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(217)

CRM-M-46729 of 2022
DATE OF DECISION:-14.03.2023

Kuldip Singh

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S. S. Dhillon, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.74 dated 13.04.2022 under Sections 323/324/307/148/149 (Section 341 of IPC added later on), registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1).

As per the FIR, allegations against the petitioner are of having given *kripan* blow upon the complainant namely Gurwinder Singh on his right ankle and another blow on fingers of his left hand. Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* whereas, not even a single witness has been examined so far, out of total 21 as cited by the prosecution. He further submits that petitioner is already behind the bars for a period of almost ten and half months and the conclusion of the trial is likely to take some time. In addition, learned counsel also points out that there is no other case pending against him and the petitioner is a young man of 34 years doing labour work and happens to be the sole bread earner of the

family, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that the injuries are serious in nature.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

The investigation in the present case already stands concluded with the filing of *challan*, however, not even a single witness has been examined, out of the total 21 as cited by the prosecution. The petitioner is behind the bars for a period of ten and half months and the conclusion of the trial is likely to take some time. Considering the fact that there is no other case against the petitioner and he being a labourer is sole bread earner of the family, there does not appear to be any justification for extending the further incarceration of the petitioner, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

14.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No