

CRM-M-47109-2022

Date of decision : 24.5.2023

Gurbhej Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Karan Singla, Advocate
for the petitioner.

Mr. Kunal Muthreja, AAG Punjab.

Mr. Rajat Dogra, Advocate
for complainant.

-.-

-.-

HARNARESH SINGH GILL, J.

Status report dated 16.5.2023 by way of affidavit of Deputy Superintendent of Police, Sub Division Baghapurana, District Moga, filed in Court today, is taken on record. Copy of the same has been supplied to counsel opposite.

Through this second petition, the petitioner seeks regular bail in case bearing FIR No. 196 dated 28.12.2019, registered at Police Station Baghapurana, District Moga, under Sections 307, 302, 379 B, 326, 506, 511, 148, 149, 120 B, 182, 195 and 201 IPC and under Sections 25 and 27 of Arms Act, 1959.

Learned senior counsel for the petitioner states that it is a case of version and cross version; that the complainant party was also summoned by summoning order dated 3.9.2022 (Annexure P-5) and that the petitioner has been in custody since 8.1.2020. The only attribution

to the petitioner is lalkara and the recovery of tractor bearing registration No. PB-69-A-5550 has already been effected from the petitioner and the charges were framed on 5.4.2021. He further submits that out of 27 (twenty seven) witnesses, 8 (eight) have been examined and that the co-accused of the petitioner namely Jagsir Singh alias Kanta and Satnam Singh alias Sethi have already been granted the concession of regular bail by this Court, vide separate orders dated 4.8.2022 passed in CRM-M-220-2022 and CRM-M-11666-2022 respectively. There is no other case pending or registered against the petitioner. The trial of the case will take time and thus prays for bail.

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 further submits that the petitioner had given blow with the butt of 12 bore gun to Vikram Singh and that as far as cross version case is concerned, that was found to be wrong; that out of 27 (twenty seven) witnesses, 8 (eight) prosecution witnesses have been examined, 6 (six) have been given up and 2 (two) have died.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 8.1.2020. The attribution to the petitioner is only lalkara. Out of 27 (twenty seven) witnesses, 8 (eight) prosecution witness have been examined, 6 (six) have been given up and 2 (two) have died. The co-accused of the petitioner namely Jagsir Singh alias Kanta and Satnam Singh alias Sethi have already been granted regular bail by this Court vide separate orders dated 4.8.2022. There is no other case pending or registered against the petitioner. 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.

(HARNARESH SINGH GILL)
JUDGE

24.5.2023
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No