

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-44887-2023 (O&M)

Date of decision: 08.11.2023

BARJESH KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

Through the instant petition, filed under Section 439 Cr.P.C., relief of regular bail has been sought in case FIR No. 0042 dated 26.03.2023, under Sections 323, 341, 427, 506, 379-B, 148, 149 of IPC, registered at Police Station, City-I Malerkotla, District Malerkotla.

2. The allegations against the petitioner are that, he gave a kick blow in the abdomen of Gurbaksh Singh, which resulted into simple injuries.

3. Learned counsel for the petitioner submits that the petitioner was arrested on 11.04.2023, and as on date he has undergone 07 months in custody. He further submits that, though, there is one more case registered under NDPS Act, however, he is already on regular bail in the said case. He further submits that the recovery of mobile phone, which is effected from the petitioner, is a matter of trial.

4. On the other hand, learned State counsel, who has appeared on an advance notice, has placed on record the custody certificate, which reveals that the

petitioner is behind the bars from 14.04.2023 and as on date, the petitioner has undergone 06 months and 27 days. Though, the custody certificate further reveals that the petitioner is involved in another FIR No.120 dated 20.07.2022, under the NDPS, Act, but he is stated to be on bail in that matter.

5. Learned State counsel on instructions from ASI Gulzar Singh further submits that the final report has been filed before the learned Illaqa Magistrate and thereupon the learned trial court has framed the charge in the month of September 2023. The prosecution has cited 12 witnesses and as on date, no witness has been examined.

6. Considering the stage of trial, which is at initial stage and the days of incarceration and the nature of offence, this Court deem it appropriate to grant relief of regular bail to the petitioner. The present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. 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.

08.11.2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No