

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-47754-2023

Date of decision: 05.10.2023

Harpal Singh @ Bhalu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Sharma, Advocate for
Mr. Nitin Narula, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case General Diary Details No.030 dated 02.11.2022 under Sections 323, 324, 148, 149 of the IPC (Section 326 of the IPC added lateron) registered at Police Station Lopoke, District Amritsar Rural in FIR No.0181 dated 30.08.2022 under Sections 452, 323, 324, 427, 148, 149 of the IPC (Sections 326 and 325 of the IPC added lateron) registered at Police Station Lopoke, District Amritsar Rural.

2. Learned counsel for the petitioner inter alia contends that it is a case of version and cross-version wherein both the sides received injuries at the hands of each other. Learned counsel further submits that in fact it is the opposite side which initiated the attack on the petitioner's side and in order to ward off the unprovoked attack, the

opposite side received injuries at the hands of the petitioner. Learned counsel submits that the investigation in the case in hand is complete as challan stands presented, however, charges have not yet been framed which are likely to be framed only on the next date of hearing. Learned counsel submits that in the facts and circumstances, further incarceration of the petitioner would serve no useful purpose moreso, since he has clean antecedents.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Hardev Singh, has not disputed that it is a case of version and cross-version wherein both the sides received injuries. He, however, submits that the injury attributed to the petitioner is with a gandasi on the head of the complainant whereas injury received by the petitioner's side is a fracture on his leg. He has also not disputed that the petitioner is not involved in any other criminal case.

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

5. The petitioner has been in custody since 02.07.2023. Investigation in the case in hand is complete. The petitioner is not stated to be involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose as there is no likelihood of the trial concluding in the near future. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate

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concerned. 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.

05.10.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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