

(221) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50036-2022

Date of Decision: 11.01.2023

PARAMJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S. Saini, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The petitioner seeks the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.39 dated 16.02.2022 registered under Sections 323, 324, 326 and 201 IPC at Police Station Tanda, District Hoshiarpur.

2. The present FIR came to be registered at the instance of Sukhwinder Singh son of Satpal Singh who stated that he was initially working as a Mechanic. One Paramjit Singh (petitioner) had a spare part shop next to his (complainant's) shop. Since about 02 months prior to the occurrence, he (complainant) had also started selling spare parts and shop started doing better than that of Paramjit Singh. This fueled anger in the mind of Paramjit, who on 30.09.2022 attacked him (complainant) with a sword which struck his first finger of the left hand and the right side of his forehead. Initially, compromise talks were going on but since it did not fructify, the

complaint was being made at this belated stage against the said Paramjit Singh.

3. The learned counsel for the petitioner contends that the occurrence allegedly took place on 30.09.2021 but the FIR came to be registered only on 16.02.2022. Initially, the FIR had been registered only under Sections 323, 324 and 326 IPC had been added in the FIR only on 23.06.2022. He contends that the entire case against the petitioner is fabricated. In fact, there was a scuffle between the complainant and the petitioner in which the petitioner himself has received injuries. Since the petitioner was in custody since 09.09.2022 and none of the 18 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, the further incarceration of the petitioner was not required, moreso, when he was a first-time offender.

4. On the other hand, the learned State counsel contends that the petitioner is the only accused. He has inflicted serious injuries on the person of the complainant. As such, he does not deserve the concession of regular bail. He however, does not dispute the fact that the petitioner is a first-time offender and none of the 18 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for parties at length.

6. Admittedly, the petitioner has been in custody since the last 04 months. None of the 18 prosecution witnesses had been examined so far. He is a first time offender with no other case registered against him. In such a situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Paramjit Singh son of Didar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

11.01.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No