

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

201

CRM-M-48784-2023

Date of Decision :-06.10.2023

Sukhveer Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satnam Singh, Advocate and
Mr. Gaurav Kaushal, Advocate for the petitioner.

Mr. Gurpreet Singh, Addl. A.G. Punjab.

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Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.13 dated 12.01.2021 registered under Sections 324, 326, 307, 341, 427, 506, 148 and 149 of the IPC (Sections 148 and 149 of the IPC were deleted and Section 325 and 34 were added) and Section 25 of the Arms Act at Police Station Goraya, District Jalandhar.

Learned counsel for the petitioner submits that the only allegation against the petitioner is that he had caught hold of the complainant/victim whereas, the allegation of inflicting injuries are on the other co-accused and one of the co-accused namely, Sanampreet, who is alleged to have inflicted injuries on the leg of the victim, has already been granted benefit of anticipatory bail by the trial Court itself hence, keeping in

view the fact that the petitioner is behind the bars for the last 02 years and 08 months and out of the total 40 cited witnesses, only complainant/victim has been examined so far, the petitioner may kindly be granted benefit of regular bail.

Learned State counsel has not been able to dispute the fact that no injury is alleged to have been inflicted upon the victim, has been attributed to the petitioner. Learned State counsel submits that allegation against the petitioner is of holding the victim, which facilitated the injuries to be caused by the other accused and hence, the allegations against the petitioner are serious in nature and he may not be granted benefit of regular bail. Learned State counsel concedes that factum that out of the total 40 cited witnesses, only victim/complainant has been examined so far.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the testimony of the victim/complainant has already been recorded and it is a matter of fact that the petitioner is behind the bars for the last 02 years and 08 months and no injury upon the victim is attributed to the petitioner coupled with the fact that the co-accused against whom the allegation of inflicting injury has been levelled, has already been granted the benefit of anticipatory bail and the allegations alleged against the petitioner are yet to be proved during the trial, no useful purpose will be served by keeping the petitioner behind the bars during the entire period of trial, which is likely to take some time before it is concluded as out of the total 40 cited witnesses, only victim/complainant has been examined so far, the petitioner has made out a case for the grant of benefit of regular bail especially, when learned counsel for the petitioner has undertaken before this Court that the

petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner.

In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 06, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No