

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CRM-M-52578-2022 (O&M)

Date of decision: - 13.04.2023

Sukhwinder Singh @ Fauji

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gurmeet Singh, Advocate
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

Mr. Karanjit Singh Gill, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.51 dated 07.04.2022, registered under Sections 307, 324 and 341 IPC (Section 326 IPC has been added later on), at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 09.05.2022 and the earlier bail application of the petitioner was withdrawn on 17.08.2022 at that stage and even subsequent to the same, sufficient time has elapsed. It is further submitted that out of total 26 prosecution witnesses, only five have been examined, thus, the trial is likely to take time. It is argued that in the

incident even the petitioner had suffered injuries and a reference has been made to the MLR (Annexure P-3). It is stated that petitioner is not involved in any other case.

On the other hand, learned State counsel as well as learned counsel appearing on behalf of the complainant have opposed the present petition for regular bail and have submitted that the petitioner is the sole accused in the present case and he had caused nine injuries to the complainant/injured. It is further submitted that even after the registration of the present FIR, wife and both sons of the petitioner are threatening the complainant party and in case, the petitioner is released on bail, then, there is every likelihood, he would attack the complainant party.

Learned counsel for the petitioner, in rebuttal, has submitted that in order to remove the apprehension of the complainant party, the petitioner undertakes not to come to the village Gholia Khurd, Tehsil Nihal Singh Wala, District Moga till the time the trial is over.

This Court has heard learned counsel for the parties and has gone through the paper-book.

Keeping in view the above-said facts and circumstances, more so, the fact that the petitioner has been in custody since 09.05.2022 and out of total 26 prosecution witnesses, only five have been examined, thus, the trial is likely to take time and also the fact that as per the MLR (Annexure P-3) the petitioner also suffered injuries in the incident and that the petitioner is not involved in any other case, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial

Court/Duty Magistrate and subject to him not being required in any other case and also subject to the condition that the petitioner would not enter the village Gholia Khurd, Tehsil Nihal Singh Wala, District Moga till the time the trial concludes.

It is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending application(s), if any, stand disposed of in view of the above-said order.

April 13, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No