

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

CRM-M-54168-2022 (O&M)

Date of decision: 27.02.2023

Harnaib Singh @ Naib Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. L. S. Sekhon, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 197 dated 20.07.2019, registered under Sections 307, 353, 186, 332, 506 and 34 of the IPC at Police Station Sadar Dhuri, District Sangrur.

The first petition, bearing CRM-M-22461-2022, was dismissed as withdrawn on 27.05.2022.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that now the petitioner is in long judicial custody of about 01 year and 09 months and the trial is still not concluded as out of total 22 prosecution witnesses, 21 witnesses have been examined.

As per allegations in the FIR, registered at the instance of Head Constable Parambir Singh, it is stated that a complaint was received from

one Manpreet Kaur, who informed that her father-in-law/petitioner Harnaib Singh @ Naib Singh is a proclaimed offender and is present in the village and he can kill her. On receiving such information, the police party visited the house of the petitioner and he had a scuffle with the police officials and by bringing a *Dah*, he tried to inflict the injuries on the police party. In the meantime, son of the petitioner, namely Tarandeep Singh, brought a broken glass bottle and gave a blow on the right arm of the complainant and thereafter, the accused persons ran away from the spot.

Learned counsel for the petitioner further submits that as per MLR of Gurdeep Singh, he suffered incise wound of 02 cm x 0.2 cm on the right forearm. It is further submitted that the said injury is attributed to the son of the petitioner, who has since died.

Learned counsel for the petitioner further submits that though at one point of time, the petitioner was declared a proclaimed offender in a case under the NDPS Act, however, after his arrest in the present case, he has already been taken in police remand in the said case under the NDPS Act.

Learned State counsel, on instructions from the Investigating Officer, could not dispute that out of 22 prosecution witnesses, 21 witnesses have been examined so far and the petitioner is in judicial custody for the last about 01 year and 09 months.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing

bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa
Magistrate, concerned.

27.02.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No