

258/2

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54480-2022 (O&M)
DECIDED ON: 27th FEBRUARY, 2023

BABBU

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. B.S. Jatana, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-45109-2022

Application is allowed, as prayed for.

CRM-M-54480-2022

The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure has been invoked for grant of regular bail to the petitioner in case FIR No. 134, dated 24.08.2021, under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 (for short 'IPC') (Section 307 IPC added later on vide DDR No. 20, dated 22.06.2022) registered at Police Station City-I, Mansa, District Mansa.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he gave a gandassa blow on the chest of the complainant but as per MLR Anneuxre P-2, there is no injury coming forth on the part of the chest of the complainant.

Custody certificate of the petitioner filed by learned State counsel are taken on record. According to custody certificate the petitioner has suffered incarceration for a period of 7 months and 22 days and he is involved in another case under Section 379-B IPC.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is already on bail in that case and the said fact has not been controverted by learned State counsel.

Considering the afore-said facts and circumstances and the period so far undergone by the petitioner i.e. 7 months and 22 days added with the facts that in the MLR no injury has been mentioned on the chest of the complainant, which is contrary to the allegation made in the FIR qua the petitioner; conclusion of trial will take sufficient long time, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands allowed in view of the afore-said terms.

(SANDEEP MOUDGIL)
JUDGE

27th FEBRUARY, 2023

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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |