

CRM-M-55252 of 2023

2023:PHHC:143226

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM-M-55252 of 2023

Date of Decision : 09.11.2023

Harjit Singh

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mandeep Kaushik, Advocate for the petitioner.

Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed for the grant of regular bail to the petitioner in case FIR No. 127 dated 20.11.2021, registered under Sections 323, 324, 341, 34 IPC (Sections 326, 307 IPC added later on) at Police Station Ghanaur, District Patiala.

Learned counsel for the petitioner submits that as per the allegations alleged against the petitioner initially the FIR was registered under Sections 323, 324, 341, 34 IPC and it was only at a later stage that Sections 307 and 326 IPC have been added. Learned counsel for the petitioner further submits that the medical opinion was taken at a much later stage so as to add Sections 307 and 326 of IPC, which medical opinion is yet to be proved during the trial as to whether, any of the injury suffered by the complainant was dangerous to life or not. Learned counsel for the petitioner submits that the petitioner is behind bars for the

last one years and 11 months and keeping in view the fact that after the adding of Sections 307 and 326 IPC de-novo trial has started and no witness out of the 19 cited witnesses has been examined so far, hence, the trial is likely to take some time before it concludes coupled with the fact that keeping the petitioner behind the bars throughout the trial will serve no purpose, hence, the petitioner may kindly be granted the concession of regular bail.

Notice of motion.

Mr. Rohit Ahuja, learned Deputy Advocate General, Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that there are three accused in the present case and two other co-accused have been granted the concession of regular bail against whom the allegation was only of giving fist blows whereas, the main allegations are against the petitioner. Learned counsel submits that as Section 307 IPC has also been added to the FIR, the petitioner be not granted the concession of regular bail.

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

Keeping in view the facts and circumstances of the present case, where the petitioner is already behind bars for the last one year and 11 months and out of the total 19 cited witnesses, none has been examined keeping in view the fact that there is a de-novo trial. Furthermore, initially Sections 307 and 326 IPC were not part of the FIR but the

same have only been added at a later stage on the basis of medical opinion, hence, whether the injury caused to the complainant was dangerous to life or not, is yet to be proved during the trial keeping in view the evidence, which will come on record.

Keeping in view the facts and circumstances of the present case, as the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire trial, hence the petitioner has made out a case for the grant of regular bail, especially when, learned counsel for the petitioner has undertaken before this Court that in case, petitioner is extended the concession of regular bail, he will not influence the trial or the witnesses in any manner and will maintain good conduct. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the 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.

November 9th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No