

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

203

CRM-M-59337-2022 (O&M)

Date of Decision: 04.01.2023

KULVIR SINGH @ RINKU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Gurvinder Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.229 dated 17.12.2021, registered under Sections 323, 324, 452 and 34 IPC and Sections 326 and 307 IPC (added later on), at Police Station Mukerian, District Hoshiarpur, the first one having been dismissed as withdrawn on 01.04.2022, with liberty to file a fresh one as and when the complainant is examined.

Learned counsel for the petitioner submits that the complainant as well as the injured witness stand examined and thus, the present second petition for grant of bail. He further submits that after recording of the statements of the complainant and the injured witness, Section 307 IPC has been added on 05.04.2022; that the petitioner has been in custody since 28.12.2021 and that datar blows on the left backside of the head, both knees, near ankle of left feet and on the calf of

right leg of Hardial Singh have been attributed to the petitioner. Still further, it is submitted that similarly situated co-accused, has already been granted the concession of regular bail by this Court on 13.12.2022.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he gave as many as five injuries on the vital as well as non-vital part of Gurdeep Singh. He further submits that most of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 28.12.2021. Similarly situated co-accused has already been enlarged on bail. Section 307 IPC was added later on. Complainant and injured witness have already been examined and most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

04.01.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(HARNARESH SINGH GILL)

JUDGE