

2023:PHHC:147210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

240

CRM M-57381-2023

Date of Decision: 20.11.2023

Surjeet Singh @ Killi

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Manu Loona, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.39 dated 05.03.2023 registered under Sections 323, 379-B, 34, 392, 411 and 201 IPC (Section 392, 411 and 201 IPC added later on) at Police Station City Fazilka, District Fazilka.

2. The FIR in the present case was registered on the basis of the statement made by Akashdeep Singh son of Harjinder Singh. As per him at about 08.30 p.m. on 04.03.2023, he was going home on his motorcycle and when he reached at 1 killometer ahead of gate of police line, Fazilka, three boys came on a motorcycle and the complainant was waylaid by them. One of the boys gave a blow with the *Kirpan* on the left side of his head, which did not hit him. Second boy gave a blow with *Kappa*, which hit on the left side below his eye.

The said assailants again gave a blow with *Kirpan* on his left cheek and also gave a blow with *Kappa* which hit on the left side of the face and other assailants again gave him blow with *Kirpan*, which hit on the left elbow and he fell on the road alongwith his motorcycle and all the three motorcycle riders had snatched his motorcycle, mobile phone MI company and a wallet containing Rs. 400/-. He had suffered the injuries and one villagers who was passing through there informed his family.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 26.07.2023 and is in custody for the last more than three months. Even, he has been falsely involved by the complainant in the present case. After investigation, the challan has already been presented and the conclusion of the trial will take quite a long time.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail. However, he admits that all the injuries suffered by the injured are simple in nature.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioner was arrested in the present case on 26.07.2023 and is in custody for the last more than three months. The injuries suffered by the injured as simple in nature and the challan has already been presented in the competent Court. The conclusion of the trial will take quite a long time and his further custody will not serve any meaningful purpose.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

20.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No