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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-60499-2023****Date of Decision: 07.12.2023**

Karnail Singh alias Toki

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Ankush Singla, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, 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 regular bail to him in case FIR No.222 dated 07.11.2022 registered under Sections 323, 341, 148, 149 of IPC (offence under Section 325 and 308 IPC added later on) at Police Station City Budhlada, District Mansa.

2. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 17.09.2023 and is in custody for the last more than two months. Initially, the FIR was registered on 07.11.2022 under Sections 323, 341, 148, 149 IPC, however, the offence under Section 325 IPC was added on 08.11.2022. Later on, after 10 months of registration of the FIR, the offence under Section 308 IPC has been added in the present case, without any medical report. Learned counsel further contends that the petitioner has not been attributed any specific role in the present case and the injured has already been discharged and is hale and hearty. As per learned counsel, the final

report under Section 173 Cr.P.C. has already been presented and further custody of the petitioner will not serve any meaningful purpose. He further relies upon the order dated 16.11.2023 (Annexure P-7) passed by this Court in CRM-M-47621-2023, whereby the anticipatory bail has been granted to similarly placed co-accused, namely Gurdeep Singh and others. Even similarly placed co-accused, namely, Hardeep Singh and Brichhbhaan Singh have already been granted the concession of regular bail by this Court vide order dated 16.11.2023 in CRM-M-50313-2023 (Annexure P-8).

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are specific allegations against the petitioner.

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

6. The petitioner was arrested in the present case on 17.09.2023 and is in custody for the last more than two months. However, similarly placed co-accused Gurdeep Singh and others have already been granted the concession of anticipatory bail vide order Annexure P-7 and Hardeep Singh and Brichhbhaan Singh have also been granted the concession of regular bail by this Court vide order Annexure P-8.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

07.12.2023
hemlata

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