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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 2510-2024
Date of decision:-25.10.2024

GURWINDER SINGH @ GURI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

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

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 24.10.2024, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0117	08.07.2023	307, 341, 324, 323, 148, 149, 427, 120-B IPC	Bhikhi, District Mansa

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner

that the petitioner is innocent and has been falsely implicated in this case FIR (Annexure P-1) and is in custody since 17.07.2023. He contends that no specific overt act is attributed to the petitioner nor any injury is attributed to him but has been nominated as accused in the case only on account of being the driver of the car. He submits that challan has already been presented in court and even charges have been framed by the learned trial Court and the conclusion of trial will take sufficient long time, as such he prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel referring to reply submitted by the State has assailed these arguments by submitting that the petitioner happens to be the driver of the car whereupon the occupants armed with weapons had beaten the victim and as such petitioner is not entitled for concession of bail. He, however, admitted that the challan has already been presented in court after completion of investigation and no specific overt act has been attributed to the petitioner.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution there was a fight between the complainant and Rawinder Singh on 03.07.2023 and on 04.07.2023, complainant alongwith his friend Lovepreet Singh were going to Bhikhi in his car then at about 2:30 PM, one car driven by the present petitioner came from opposite side and stopped the complainant car. Thereafter, 7-8 persons armed with kirpans, rods and iron pipes came out and started quarreling with the complainant and caused damage to his car, the assailants also caused injuries to the complainant and his friends who were then shifted to hospital.

Admittedly the petitioner was arrested on 17.07.2023 and the car in question

driven by him was taken in possession by the police. After completion of investigation, challan has already been presented in Court and the charges have since been framed. It is evident from the record that the only role attributed to the petitioner is that he only happens to be the driver of the car where from 7-8 assailants with respective weapons came out and attacked the complainant and his friend. No injury or specific overt act apart from it has been attributed to the petitioner and even no motive attributed to him. The petitioner being in custody since 17.07.2023 and the prosecution evidence having just commenced as per the report received from the concerned trial Court. The conclusion of trial to ascertain criminal liability, if any, will take sufficient long time in the present case.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

25.10.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No