

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

210

2024:PHHC:039839

CRM-M-3319-2024

Date of decision: March 20th, 2024

Harpreet Singh @ Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ankur Jain, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.57 dated 21.05.2022 under Sections 325, 323, 148, and 149 of the Indian Penal Code, 1860 (Section 308 of the IPC added later on) registered at Police Station Chola Sahib, District Tarn Taran.

2. Learned counsel for the petitioner at the outset submits that the petitioner has now been in custody since 24.06.2022 and there is no possibility of the trial concluding in the near future as 15 prosecution witnesses still remain to be examined. It has also been submitted that two material witnesses i.e. Harpinder Singh and injured Sarabjit Singh have since been examined. Hence, there cannot be any apprehension that the petitioner would be in a position to intimidate/influence the witnesses or tamper with material evidence.

3. *Per contra*, learned State counsel, on instructions, has not disputed the submissions made by the counsel opposite that the sole

material witnesses in the case in hand including the injured witness stands examined and 15 prosecution witnesses still remain to be examined. Learned State counsel, however, submits that the petitioner has been attributed a *datar* blow on the forehead of complainant-Harpinder Singh.

4. I have heard learned counsel for the parties and perused the material placed on record.
5. As not disputed by the learned State counsel, all the material witnesses including the injured stand examined, however, trial is unlikely to conclude anytime in the near future as supplementary challan has also been presented against some co-accused. In the circumstances, further incarceration of the petitioner would serve no useful purpose.
6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 20th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No