

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

232

2024:PHHC:056482
CRM-M-11623-2024
Date of decision: April 25, 2024

GURBIR SINGH @ GOPI
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.S. Bajaj, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab
with ASI Dilbag Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.248 dated 22.11.2023 (Annexure P-1) under Sections 307, 323, 324, 148, 149, 120-B of the Indian Penal Code, 1860 (and Section 326 IPC added later on), registered at Police Station Division No.6, District Jalandhar.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner having been falsely implicated in the instant case is evident from the fact that while stepping into the witness box, the most material witness who had allegedly sustained injuries inviting the mischief of Section 307 of the IPC at the hands of the petitioner, had not supported the case of the prosecution, as a result of which, he was declared hostile. Learned counsel submits that since the sole material witness in the case in hand i.e. the injured-complainant stands examined, further incarceration of the petitioner would serve no useful purpose as 8 prosecution witnesses still remain to be examined.

3. Mr. Vishal Gaur, Advocate has put in appearance on behalf of the complainant and has filed his Vakalatnama in the Court today, which is taken on record.

4. Learned State counsel, assisted by learned counsel for the complainant, has not disputed the submissions made by the counsel opposite *qua* both the material witnesses having been examined and also having not supported the case of the prosecution during trial. It has also not been disputed by the learned State counsel, on instructions, that other than the two witnesses who have since been examined, no other material witness remains to be examined. Learned State counsel, on further instructions, has informed the Court that next date before the learned trial Court is 21.05.2024, when the remaining prosecution witnesses are likely to be examined.

5. Learned counsel for the complainant has submitted that he would have no objection if the petitioner is enlarged on bail.

6. I have heard learned counsel for the parties and perused the relevant material placed on record.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner.

8. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

April 25, 2024

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

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