

2024:PHHC:033510

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-11340-2024
Date of decision : 07.03.2024

Seelu Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.109 dated 27.03.2023, registered for the offences punishable under Sections 307, 326, 325, 324, 323, 148, 149 and 427 of IPC at Police Station City Faridkot, District Faridkot.
2. Counsel for the petitioner claims parity and submits that co-accused Deepak Singh @ Kanda has already been granted bail vide order dated 06.02.2024 passed in CRM-M-46310-2023, observing as under:-

“xx xx xx

3. Counsel for the petitioner submits that the challan already stands presented and the complainant as well as victim stand partially examined and the examination has been further deferred after the prosecution filed application under Section 319 Cr.P.C. There are 14 witnesses involved and by now only 02 could be examined that too partially and since now the prosecution has moved an application under

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Section 319 Cr.P.C. The trial is likely to be delayed further.

4. Counsel for the complainant as well as State counsel have both opposed the bail plea submitting that there are serious allegations against the petitioner. The mode and manner in which the victim was injured shows the brutality.
5. Counsel for the petitioner joined issue thereon and submits that it is a case of brawl and not of assault and both the parties suffered injuries in the same. Investigation already stands completed.
6. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that the trial is not likely to conclude the in the near future, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.”
4. State counsel does not dispute the aforesaid fact.
5. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

07.03.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No