

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

CRM-M-14031-2023

Date of decision : 21.02.2024

BALWINDER SINGH ALIAS BINDER

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Ashu Rana, Advocate for the petitioner.

Mr. Harish Mehla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.255 dated 10.11.2021 registered for the offences punishable under Sections 302, 323, 148, 149 of the Indian Penal Code, 1860 at Police Station Kamboj, District Amritsar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Counsel for the petitioner submits that the allegation against the petitioner is of having hurled brick on the victim which caused injury on the finger adjacent to the toe of the left foot which is non-vital part. The petitioner has undergone actual custody as undertrial for a period of more than 2 years 2 months and 5 days. Not only challan has been presented rather the trial has proceeded considerably and the material witness i.e. the

complainant already stands examined. Thus there is no apprehension that the petitioner shall tamper with the evidence.

4. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the nature of injury attributed to him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 21, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No