

injured has already been discharged from the hospital. He further contends that even from the perusal of the MLR (Annexure P-3), it is apparent that Gaurav had only suffered a minor bruise over right temporal region. He further contends that the case is clearly distinguishable from the other co-accused, Suraj, Ashu and Danis, who had committed the crime and were present at the spot. However, the petitioner was not present at the spot.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that one more case i.e. FIR No.9 dated 16.01.2019 under Sections 323, 506, 148, 149 of IPC at Police Station B-Division, Amritsar has been registered against the present petitioner, however, the petitioner is on bail in the said case.

4. I have heard the learned counsel for the parties and perused the record.

5 The petitioner was admittedly not present at the place of occurrence and had done recce prior to the occurrence, as per the case set up by the prosecution. However, the petitioner is in custody for the last more than 05 months now and no witness has been examined so far. Thus, the conclusion of the trial may take quite a long time.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

05.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No