

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17727-2024

Date of Decision: 18.04.2024

Mandeep Singh alias Mohit

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Ms. Navjot Kaur, Advocate,
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.413 dated 31.12.2023 registered under Sections 341, 323, 307, 149 of IPC and Section 325 of IPC added later on, at Police Station City, Kapurthala, District Kapurthala.

2. Learned counsel for the petitioner contends that as per case of the prosecution, the petitioner had allegedly caused an injury with a baseball bat on the face of the complainant, while he was lying down on the ground. Learned counsel further contends that as per medical record, the said injury has been declared to be grievous in nature and the offence under Section 307 IPC has been wrongly added by the police, just to aggravate the offence in the present case. She further contends that the petitioner was arrested in the present case on 31.12.2023 and after completion of investigation, the final report under Section 173 Cr.P.C. has already been presented before the Court of law. She further

contends that the prosecution has not been able to examine even a single witness so far and there are remote chances of conclusion of the trial at an early date. Thus, no purpose will be served by keeping the petitioner behind bars.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had caused a grievous injury on the face of the complainant and the petition merits dismissal by this Court.

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

5. The petitioner is behind bars since 31.12.2023 and the final report under Section 173 Cr.P.C. has already been presented before the Court. No doubt the allegations levelled by the complainant point towards the seriousness of the offence as the injury on the face of the complainant has been declared to be grievous in nature. However, at the same time, the petitioner cannot be ordered to be incarcerated as an under trial prisoner for a longer duration. Even the injured has already been discharged and is stated to be hale and hearty.

6. Thus, 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.

18.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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