

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-17538 of 2024 (O&M)
Date of Decision:16.04.2024

Baljit Singh @ Bovy ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Navjot Kaur, Advocate, for the petitioner.

Mr. M.S. Bajwa, 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 a regular bail in case FIR No.413 dated 31.12.2023 registered under Sections 341, 323, 307 and 149 of IPC (Section 325 IPC added later on) at Police Station City, Kapurthala, District Kapurthala.
2. Learned counsel for the petitioner contends that as per the case set up by the prosecution itself, the petitioner is shown to be empty handed and no specific injury has been attributed to him. Further, the petitioner is alleged to have been thrown brick bats on the complainant and his friend Jaggi. Apart from that Rinka, co-accused has been attributed blow from *dattar* with its reverse side on the head of the complainant and the said injury has been declared to be grievous in nature. She further contends that another injury caused by Mohit has already been declared to be grievous in nature. She further

contends that the petitioner is behind the bars since 31.12.2023 and challan has already been presented against the petitioner in the competent Court. Learned counsel counsel further contends that the injured has already been discharged from the hospital and he is hale and hearty. Apart from that, no prosecution witness has been examined so far and there is no possibility of early conclusion of the trial before the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

5. The petitioner was arrested in the present case on 31.12.2023 and is in custody for the last more than 03 months. The injured has already been discharged in the present case and the final report under Section 173 Cr.P.C. has been presented before the competent Court of law. Thus, further custody of the petitioner shall not serve any meaningful purpose. Moreover, the petitioner is a first offender.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

16.04.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No