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

CRM-M-20505-2024

Date of Decision: 30.04.2024

Gagandeep alias Gaggi

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Harnaaz Kaur Hundal, Advocate and
Ms. Taranjit Kaur Hundal, Advocate, for the petitioner.
Mr. Deepender Singh, Additional Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. On the oral request made by learned counsel for the petitioner, the offence under Section 307 IPC is ordered to be added in the head note as well as the prayer clause of the bail petition.
2. Learned counsel for the petitioner is directed to carry out the necessary correction in the Court itself.
3. 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.0016 dated 09.02.2024 registered under Sections 323, 325, 308 of IPC (Sections 307 IPC added later on and Section 308 IPC deleted), at Police Station Nakodar Sadar, District Jalandhar, Rural.
4. Learned counsel for the petitioner contends that the alleged occurrence had taken place on 01.01.2024, whereas, the FIR was registered in the present case on 09.02.2024, after an unexplained delay of 01 month and 09 days. She further contends that it has been alleged by the prosecution that the petitioner had caused an injury with the reverse side of *datar* on the head of

Pardeep Singh. However, Pardeep Singh, injured has already been discharged from the hospital long ago. Learned counsel further submits that the petitioner was arrested in the present case on 11.02.2024 and is in custody for the last more than 02 months. Further, the investigation has already been completed by the police and the challan has already been presented before the Court. She further submits that the FIR has been got registered by the complainant by coining a false version due to some old enmity between the parties.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner.

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

7. The petitioner was arrested in the present case on 11.02.2024 and is in custody for the last more than 02 months and 17 days. Pardeep Singh, injured has already been discharged from the hospital. Still further, the prosecution has not been able to place on record any material to show that the petitioner is in a position to influence the witnesses of the prosecution or there are chances of fleeing from the process of justice.

8. 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.

30.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No