

218

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30400-2024
Date of decision:-14.08.2024

BHINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. N.S. Sidhu, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed custody certificate dated 13.08.2024. The same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant second petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
174	13.10.2023	324, 323, 148, 149, 341 IPC (326 IPC added later on)	Nathana District Bathinda, Punjab

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and is in custody since 14.03.2024. He contends that as per the allegations, the injury



attributed to petitioner has been found to be simple in nature which happens to be injury No.3 as per MLR. He contends that challan has already been presented in Court and conclusion of trial will take sufficient long time. The petitioner although has one more case registered against him but he is on bail therein. Hence he prayed for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State contended that the petitioner is alleged to have caused injury on the left side of the head of the injured and as such he is not entitled to concession of bail. However he could not deny the fact that the said injury has been found to be simple in nature.

5. After considering the rival contentions and perusing the record, it transpires that admittedly as per the allegations in the FIR the petitioner is alleged to have caused injury on the left side of the head of the complainant which is recorded as injury No.3 in the MLR and as per DDRNo.14 dated 25.10.2023, this injury No.3 has been found to be simple in nature. The petitioner is in custody since 14.03.2024 and after completion of investigation challan has already been presented in Court and completion of trial in this case triable by the Court of Magistrate will take sufficient long time and only thereafter, the criminal liability, if any, of the petitioner could be ascertained.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to

the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

14.08.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |