



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

CRM-M-35093-2023

Date of decision: 23.09.2024

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manvinder Sidhu, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail in case having FIR No.0013 dated 13.02.2023, under Sections 308, 323, 34 IPC, registered at Police Station Sangat, District Bathinda.
2. The allegations in nutshell are that complaint Hardeep Singh reported to the police that on 25.01.2023 at about 05:30 PM he was assaulted by petitioner and his parents and petitioner caused injury to the complainant with axe, while his father Angrej Singh gave blows of wooden stick to the complainant. The petitioner was arrested on 30.03.2023.
3. Counsel for the petitioner inter alia submits that in the present case, the petitioner who was arrested on 30.03.2023 remained in custody for more than 8 months, when he was granted interim bail vide order dated 12.12.2023 by the co-ordinate Bench of this Court. It is further submitted that otherwise the petitioner is falsely implicated in the present case and the



case is having version as well as cross version and as per cross version, the present petitioner sustained head injury at the hands of opposite party. It is further submitted that material witnesses are already examined but it will take time for the trial to conclude and the petitioner is having no criminal history. No gainful is going to be served by prolonging judicial custody of the petitioner.

4. The present petition is resisted by the State counsel who on instructions from ASI Jagroop Singh submits that petitioner is the main accused who caused injuries on the person of complainant with the help of axe, which was recovered during investigation. However, the State counsel has not disputed the fact that the case is involving version as well as cross version and as per cross version, the present petitioner sustained injuries at the hands of opposite party. It is further apprised that petitioner remained in custody for more than 8 months in the present case and later on released on interim bail. During trial, complainant and material witnesses are examined.

5. I have considered the submissions made by counsel for the parties.

6. As the case is having version as well as cross version, the aggressor party will be determined during trial. The recovery of weapon used in commission of crime was effected during investigation of the case and petitioner remained in custody for more than 8 months. All the material witnesses are stated to be examined. So there is no apprehension that if released on bail, the petitioner is going to influence them in any manner. However it will take time for the trial to terminate. In the given circumstances, no fruitful purpose is going to be served by keeping the



petitioner in custody for any longer period.

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

23.09.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**