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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34922-2024

Decided on : 31.07.2024

Baljinder Singh @ Guri @ Lakha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. P.K.S. Phooka, Advocate
for the petitioner

Mr. Jasjeet S. Dhaliwal, AAG Punjab

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.115 dated 20.07.2023 under Sections 302, 325, 323, 148, 149 IPC registered at Police Station Sadar Bathinda, District Bathinda (Punjab).

2. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and no specific role has been attributed to him. Learned counsel further submits that the petitioner has been nominated on the basis of disclosure statement of Gurdeep Singh and allegedly it had been stated that the injury was caused by 12 people, however, the petitioner has been named as 14th person. He further submits that the petitioner has already undergone an actual custody of 01 year and 04 days and there is one more case pending against him, in

which he has been granted the concession of regular bail.

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3. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 01 year and 04 days and there is one more case pending against the petitioner in which he has been granted the concession of regular bail. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed and out of 29 prosecution witnesses only 03 prosecution witnesses have been examined. The petitioner has undergone actual custody of 01 year and 04 days and he is involved in one more criminal case.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is



suspected.

(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

July 31, 2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No