



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-36412-2024
Date of decision: 05.09.2024

GURSEWAK SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.60 dated 20.05.2024, under Sections 323, 328, 506 and 511 of IPC, registered at Police Station Khem Karan, District Tarn Taran.
2. The petitioner was working as a servant in the shop of complainant Gurjit Singh, on whose statement, the instant FIR has been registered. As per the allegations, as alleged against the present petitioner, are that, he served a cup of tea to the complainant, which had carried mercury. The relevant extract of the allegations, reads as under:-

“Yesterday on 19.05.2024 at about 06:30 PM in the evening, that I was present at my shop and asked him to make tea then after some time, he made a cup of tea for me. When I took a sip of tea, then I felt that something like metal floated on my tongue through the tea. I immediately poured the sip of tea on the palm of my left hand. My surprise knew no bounds when I saw large quantity of small grains of mercury on my palm and I realized that Gursevak Singh had given me mercury in the tea, when I asked him the reason for it, he started



- 2-

threatening kill me loudly and ran away from the shop.”

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) There is a delay in lodging the instant FIR;

(ii) There is no medical record to substantiate the allegations, as alleged by the complainant in the instant FIR;

(iii) Petitioner has suffered incarceration of more than 03 months, as on today;

(iv) The final report under Section 173 Cr.P.C., had already been filed on 18.07.2024, but the charges are yet to be framed.

(v) Out of the total 11 prosecution witnesses cited in the final report, none has been examined till date.

4. Per contra, the learned State counsel, who is in receipt of advance notice, has placed on record the custody certificate *qua* the petitioner, as issued by the Superintendent of Sub Jail Patti. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 03 months and 14 days, as on today. Learned State counsel on instructions, imparted to him by the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 18.07.2024, but the charges are yet to be framed. Learned State counsel further submits that out of the total 11 prosecution witnesses cited in the final report, none has been examined till date.

5. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition, and is of the considered opinion that the

instant petition is amenable for being allowed.

6. The reason for forming the above inference emanates from the factum that:- (i) The petitioner has suffered incarceration of 03 months and 14 days, as on today; (ii) Out of the total 11 prosecution witnesses cited in the final report, none has been examined till date; (iii) The final report under Section 173 Cr.P.C was filed on 18.07.2024; (iv) No fruitful purpose would be served by keeping the petitioner behind the bars; (v) Trial is not likely to conclude anytime soon.

7. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

05.09.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No