

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

**CRM-M No. 44667 of 2023 (O&M)
Date of Decision: 31.01.2024**

Gaganpreet Singh @ Gagandeep Singh @ Gona

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in cross-version DDR No. 27 dated 29.05.2020, under Sections 341 / 323 / 148 / 149 of IPC (Section 326 of IPC added later on) in FIR No. 82 dated 29.05.2020, under Sections 324 / 323 / 34 of IPC, registered at Police Station Kharar, District SAS Nagar, Mohali.

[2] In the present case, the incident allegedly took place on 08.05.2020 in the form of free fight between two factions, resulting into registration of version and cross-version. Initially in the cross-version, only the bailable offences under Sections 341, 323, 148 & 149 of IPC were lodged and the petitioner was granted concession of bail by the Investigating Agency itself; however, later on, based on medical

opinion, Sections 326 of IPC was added after more than two years vide Rapat dated 10.08.2022. As per the same, the injury suffered by one Manvir Singh was declared to be grievous in nature.

[3] On the other hand, learned State Counsel vehemently opposes the prayer for grant of regular bail of the petitioner while submitting that Section 326 of IPC was added on the basis of medical opinion and the injury being grievous in nature on the head of injured / victim -Mandeep, the petitioner does not deserves the concession of regular bail.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] Initially, the petitioner was released on bail by the Investigating Agency itself and upon addition of Section 326 of IPC based on Rapat dated 10.08.2022, the petitioner was arrested on 26.07.2023 and since then, he is in custody i.e. for the last more than six months by now, whereas the trial has not yet commenced and out of 14 prosecution witnesses, none has been examined so far, besides it, the victim-Mandeep was discharged from the hospital on the same day.

[6] Considering the totality of the circumstances and the fact that the petitioner is behind the bars since 26.07.2023 as also the trial may take long time, this Court does not deem it appropriate to extend the incarceration of the petitioner.

[7] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[8] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

January 31, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No