

(226) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50543-2023
Date of Decision: 15.01.2024

DAVINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. PPS Brar, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.83 dated 20.07.2022 registered under Sections 458, 324, 323, 342, 148, 149, 506, 201 IPC at Police Station Arniwala, District Fazilka.

2. The petitioner and his co-accused came to be involved in the aforementioned FIR with the allegations that they all assaulted the complainant-Karamjeet Singh son of Bachan Singh causing injuries to him.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was a delay of 5 days in the registration of the FIR. The occurrence had allegedly taken place on 15.07.2023 whereas the FIR came to be registered on 20.07.2022. No plausible explanation had been furnished for the delay in recording the statement of the complainant as well as the registration of the FIR. Therefore, the prosecution case was a concocted one. As the petitioner was in custody

since 17.08.2023 but none of the 15 prosecution witnesses had been examined so far, he was entitled to the concession of bail moreso when his co-accused had been granted the similar concession.

4. On the other hand, the learned State counsel contends that the petitioner and his co-accused assaulted the complainant. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes that simple injuries had been caused to the complainant, that the petitioner was in custody since 17.08.2023, none of the 15 of the prosecution witnesses had been examined so far and that all the co-accused had been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 17.08.2023 but none of the 15 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Davinder Singh son of Dalor Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

15.01.2024
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No