



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM-M-49375-2024
Decided on :16.10.2024

GURDEEP SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Mohd. Yousaf, Advocate
for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition under Section 439 Cr.P.C has been filed for grant of regular bail to the petitioner in cross case bearing GD No.12 dated 11.02.2024 under Sections 325, 323, 148 and 149 of IPC (offence under Section 308 added later on) in FIR No.17 dated 06.02.2024 under Sections 324, 323, 427 and 34 of Indian Penal Code, registered at Police Station Sadar Dhuri, District Sangrur.

2. Learned counsel for the petitioner submits that it is a case of version and cross version and it is alleged that the petitioner, along with co-accused, used wooden sticks and an iron rod to inflict injuries on Pargat Singh and the complainant. However, there is a five-day delay in filing the FIR, and no injuries are attributed to the petitioner. The petitioner has undergone an actual custody of 02 months and 12 days and he has clean antecedents.

3. Learned State counsel has also placed on record custody certificate in Court today. As per custody certificate, the petitioner has undergone an actual custody of 02 months and 12 days and there is no other criminal case registered against him. Moreover, on instructions, he submits



that challan was presented on 30.09.2024 and charges are yet to be framed and there are total 26 prosecution witnesses. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard the rival submissions made by counsel for the parties.

5. Admittedly, the petitioner has undergone an actual custody of 02 months and 12 days and there is no other criminal case registered against him and challan was presented on 30.09.2024 and charges are yet to be framed. Considering that no injury is attributed to the petitioner and the fact that the trial of the case will take a considerable amount of time, no useful purpose will be served by detaining the accused in custody.

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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence.



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

16.10.2024
Kavita

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