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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54079-2024
Date of decision: 06.11.2024

GAURAV @ GOPI DHOLI

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

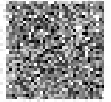
Present:- Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.38 dated 23.04.2022, under Sections 323, 324, 326, 451, 427, 506, 148, 149 and 120-B of the IPC, registered at Police Station Mehatpur, District Jalandhar Rural, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 1 year, 1 month and 24 days and till date even charges have not been framed by the learned trial Court. He further submitted that the petitioner is not involved in any other case and it is a case where as per the allegations, the petitioner along with 11-12 other persons had attacked the complainant by forming unlawful assembly and inflicted injuries with different weapons. He

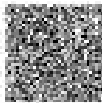


further submitted that as per the prosecution story, the role attributed to the petitioner was with regard to inflicting of injury which was simple in nature. He also submitted that considering the aforesaid facts and circumstances, whereby now the custody of the petitioner is more than 1 year and even charges have not been framed by the learned trial Court till date, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab submitted that it is correct that the petitioner is in custody for 1 year, 1 month and 24 days and it is also correct that charges have not been framed by the learned trial Court till date. He further submitted that the role attributed to the petitioner was with regard to inflicting of injuries to the complainant and it will be ascertained at the time of trial as to whether the injury was simple or not. He further submitted that as per the custody certificate, the petitioner is not involved in any other case.

4. After hearing learned counsel for the parties, this Court is of the view that considering the aforesaid custody of the petitioner, the role of the petitioner and also the fact that even charges have not been framed by the learned trial Court till date and also that as per the learned counsels for the parties, the petitioner is not involved in any other case, the petitioner deserves the concession of regular bail.

5. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.



6. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

06.11.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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