

DILPREET SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Mohit Kapoor, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. Prayer in the 1st petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No. 47 dated 05.04.2021 registered under Sections 324, 323,148, 149 of IPC (Section 326 of IPC, added later on) at Police Station Kotbhai, District Sri Muktsar Sahib(Annexure-P1).
2. The allegations in nutshell are that on 02.04.2021 the petitioner and his accomplices attacked Jaspreet Singh and Gurdass Singh and at the time of said occurrence petitioner caused grievous injury on the right ring finger of complainant-Jaspreet Singh with the help of *Kappa*, a sharp edged weapon. The petitioner was arrested on 02.09.2023 and petitioner got affected the recovery of *Kappa* used in commission of crime.
3. The counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and no such injuries as alleged by the prosecution were ever caused by the petitioner to complainant or Gurdass Singh.

4. The counsel for the petitioner further submits that the case involves version as well as cross-version and that after completion of investigation police has presented the challan but it will take considerable time for trial to conclude which is yet to commence.

5. The present petition is resisted by the State Counsel who *inter alia* submits that the petitioner caused grievous injury with the sharp edged weapon on the right ring finger of complainant which attracts offence punishable under Section 326 IPC.

6. However, the State Counsel on instructions from Rajpal Singh, ASI, has not disputed the fact that the recoveries are already affected in this case and the petitioner is in custody since 02.09.2023 and that charges are still to be framed against the accused persons and it will take considerable time for the trial to conclude even thereafter.

7. I have considered the submissions made by the counsel for the parties.

8. Admittedly, the petitioner who has having no criminal history is in custody for the last more than 4 months. After completion of investigation the police has presented the challan against all the accused persons including the petitioner but the trial is yet to commence and even thereafter it will take considerable time for the trial to terminate and the offences are triable by the Court of Judicial Magistrate, 1st Class.

9. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

10. In the light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is directed to

be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

09.01.2024
Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No