

2024:PHHC:006667

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

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**CRM-M-63966-2023
Date of Decision: 18.01.2024**

Mukhtiar Singh ...Petitioner

Vs.

State of Punjab ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Neeraj Madaan, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Ms. Riffi Birla, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.0044 dated 19.07.2023 (Annexure P-1) registered under Sections 323, 148, 149 and 307 IPC (added later on vide rapat No.21 dated 22.07.2023) at Police Station Amir Khas, District Fazilka.
2. Learned counsel for the petitioner contends that the petitioner has been wrongly arrested in the present case on 17.10.2023 and he is in custody for the last about 03 months.
3. Learned counsel further contends that as per the case of the prosecution the present petitioner had caused an injury with the *daang* on the head of the complainant's wife namely Amarjeet Kaur. learned counsel further contends that the same injury is attributed to co-accused namely Hoshiar Singh S/o Gurbaksh Singh as well. He next contends that it is a case of version and cross-version and cross-version has already been registered in the shape of GD No.031 dated 17.10.2023 under Sections 365, 379, 323, 325, 148 and 149 of IPC

(Annexure P-3) against the complainant party. He next contends that in the present case, the version of the complainant side has been found to be partly false as five accused persons namely Balkar Singh, Raj Singh @ Raju, Bittu Singh, Surjeet Singh and Swarana Kaur have been declared to be innocent during the inquiry. Thus, it is, apparent that the complainant side tried to cast the net as wide as possible without the actual participation of the accused in the present crime.

4. On the other hand, Mr. Mohit Chaudhary, AAG, Punjab has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the local police has colluded with the accused in the present case and separate petition has been filed by the complainant, seeking fair investigation of the present case.

4. I have heard learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 17.10.2023 and he is in custody for the last about 03 months. The injured in the present case has already been discharged from the hospital and his further custody will not serve any meaningful purpose.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

(N. S. SHEKHAWAT)
JUDGE

18.01.2024
M.Sikka

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