

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM No. M-64851-2023

Date of Decision : 09.01.2024

Gurpreet Singh @ Gopi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gaurav Kaushal, Advocate and
Mr. Satnam Singh Thakur, Advocate for the petitioner.

Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. Custody certificate of the petitioner has been produced in Court today by learned State counsel. The same is taken on record.
2. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 13, dated 12.01.2021, registered under Sections 324, 326, 307, 341, 427, 506, 148, 149 IPC and Section 25 of Arms Act (Later on Sections 148, 149 IPC were omitted and Section 325 and 34 IPC were added), at Police Station Goraya, District Jalandhar.
3. Learned counsel for the petitioner argues that the petitioner is behind bars since 28.01.2021 and keeping in view the status of the trial that out of 40 cited witnesses, only one witness has been examined so far and on an application filed by the complainant under Section 319 Cr.P.C. further proceedings of the trial have been stayed, the petitioner may kindly be

granted the concession of regular bail as the trial is not likely to conclude anytime soon. Learned counsel for the petitioner submits that Section 307 IPC has been invoked only qua the intention and there is no injury, which has been inflicted upon the victim, which is life threatening, which fact is clear from the MLR itself.

4. Notice of motion.

5. Mr. Rohit Ahuja, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

6. Learned counsel for the respondent submits that the victim had received ten injuries, which included grievous injuries as well but no life threatening injury is recorded in the MLR but concedes the factum that out of 40 cited witnesses, only one has been examined and keeping in view the interim order granted by this Court in CRR No. 708 of 2023, further proceedings have been stayed qua the trial.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The allegations alleged in the FIR are yet to be proved. The only injury attributed to the petitioner is a *gandasa* blow from the blunt side on the right hand of the victim and using the illegal firearm to threaten the victim. The alleged illegal weapon has not been recovered during the investigation.

9. Keeping in view the facts and circumstances of the case coupled with the fact that there are 40 cited witnesses to be examined in the trial and only one has been examined so far and the petitioner is behind bars for the last approximately three years as of now, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period

of trial, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

10. The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

11. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

January 09th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No