

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

245

2024:PHHC:021973
CRM-M-65339-2023
Date of decision: February 15, 2024

GURMUKH SINGH
...Petitioner

Versus

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab
With ASI Mangal Singh.

Mr. Gaganbir Kahlon, Advocate
and Mr. Vipin Mahajan, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.35 dated 05.05.2022 (Annexure P-1) under Sections 302, 326, 325, 324, 323, 201, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Qadian, Police District Batala, District Gurdaspur.
2. While drawing the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, learned counsel for the petitioner has submitted that a perusal of the same clearly reveals that he has not been attributed any injury on the person of the deceased; the only injuries attributed to the petitioner are simple injuries on the person of the complainant and his son-Harpreet Singh. Learned counsel has further submitted that since all the material witnesses including the stamped witnesses and the complainant stand examined, further incarceration of the petitioner

would serve no useful purpose as 18 prosecution witnesses still remain to be examined. Learned counsel for the petitioner has also brought to the notice of this Court that the petitioner has clean antecedents as he is not involved in any other criminal case, much less a case of similar nature.

3. Per contra, learned State counsel, assisted by learned counsel for the complainant, while opposing the prayer and submissions made by the learned counsel for the petitioner, has submitted that no doubt, the petitioner has not been attributed any injury on the person of the deceased, much less fatal injury, however, the petitioner was specifically named in the FIR in question and at the relevant time, he was armed with a sword, with which he inflicted a single injury each on the person of the complainant as well as his son-Harpreet Singh.

4. On a pointed query put to the learned State counsel with respect to the nature of injuries sustained by the complainant and his son, he, on instructions, has not disputed that the injuries sustained by both these witnesses were opined to be simple in nature. Learned State counsel has also not disputed that the petitioner had not been attributed fatal injuries on the person of the deceased. On yet another pointed query put to the learned State counsel, he has also not disputed that all the material witnesses including the complainant and his son, who allegedly received injury in the occurrence in question, stands examined.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody for close to 2 years, having been arrested on 08.05.2022. As not disputed by the learned State counsel, the petitioner has clean antecedents; all the material witnesses stand examined,

however, 18 prosecution witnesses still remain to be examined, hence, there is no likelihood of the trial concluding in the near future.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as the trial would take considerable time to conclude. Accordingly, the instant petition is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

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

9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

February 15, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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