



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

219(2)

**CRM-M-41950-2024
Date of Decision: 13.02.2025**

Dharam Singh @ Dharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Sidhu, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking bail pending trial in FIR No. 52 dated 04.05.2024, registered under Sections 307, 323, 325, 341, 506 & 148 read with Section 149 of the Indian Penal Code, 1860 (for short "IPC"), at Police Station Barnala, District Barnala.

2. Allegations are that on 02.05.2024, petitioner along with other co-accused, namely, Jogesh Jindal @ Jimi, Gagandeep Singh, Jindna and 4/5 more unknown persons, while carrying swords and baseballs, formed an unlawful assembly and in prosecution of the common object of the said assembly, caused injuries on the left arm and left leg of Avtar Singh with a sword.

3. Contends that petitioner is in custody since 09.05.2024 and after remaining in custody for more than 08 months, was granted interim bail by this Court on 10.01.2025. Also contends that after investigation, report under Section 173 Cr.P.C was presented on 28.07.2027; charges have also been considered on 10.01.2025; but no prosecution witness has been examined till



date. Further contends that co-accused, namely, Ram Ji, Balkar Ram and Gagandeep Singh have already been granted concession of bail pending trial and pre-arrest bail by learned Sessions Judge, Barnala.

4. *Per contra*, learned State Counsel, on instructions from quarter concerned, has acknowledged the above factual position.

5. Heard learned counsel for both the sides and perused the paper book.

6. This Court granted interim bail to the petitioner on 10.01.2025 in the following manner:-

“ Contends, inter alia, that after investigation report under Section 173 Cr.P.C. has already been submitted before the Court of competent jurisdiction, but charges are yet to be considered. Further contends that injuries alleged in the FIR have been found to be simple in nature by the Medical Officer.

Learned State counsel seeks time to have instructions regarding nature of injuries.

Posted for 13.02.2025.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and never misused the concession in any manner. It is also not in dispute that petitioner remained in custody for more than 08 months. After investigation, report under Section 173 Cr.P.C was presented on 28.07.2027; charges have been considered on 10.01.2025; but no prosecution witness has been examined till date; thus, it can be safely inferred that conclusion of trial shall take sufficient long time. In such a scenario, sending the petitioner to custody, at this stage, would not serve any purpose.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 10.01.2025, is made absolute. He shall be



admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations be not construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is any misuse of concession by the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

13.02.2025
SN

(MAHABIR SINGH SINDHU)
JUDGE

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