

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

CRM-M No.22719 of 2023 (O&M)

Date of decision : 07.08.2023

Gurbachan Singh @ Kala

..... Petitioner

versus

The State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Kulwant Singh, Advocate
for the petitioner.

Mr. Amit Shukla, Asst. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.217 dated 06.11.2022 registered under Sections 308/323/325/506/148/149 IPC at Police Station Dakha, District Ludhiana.

2 Custody certificate dated 05.08.2023 by way of affidavit of Balvir Singh, PPS, Additional Superintendent of Central Jail, Ludhiana on behalf of State has been filed. The same is taken on record.

3 Learned counsel for the petitioner submits that the petitioner has been attributed baseball bat blow on the head of the brother of the complainant but admittedly injury was suffered on the ear. Apart from that main accused namely Jaswinder Singh @ Happy who gave hand pump handle blow on the forehead of the complainant, who stands admitted to regular bail vide order dated 30.05.2023 passed in **CRM-M-26559 of 2023**.

Challan stands presented. Investigation is thus complete and there can not

be any apprehension that the petitioner shall tamper with the evidence. Apart from that learned counsel for the petitioner relies upon Annexure P-4 to submit that the matter since related to altercation, the parties have reconciled their differences and compromised the matter.

4 *Per contra* learned State counsel submits that the petitioner is a habitual offender and is facing another FIR No.232 dated 09.12.2018 for offence punishable under Sections 457/380 IPC. He further does not dispute that the petitioner already stands admitted to bail in the said matter.

5 I have heard learned counsel for the parties and have gone through the records of the case.

6 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner and the fact that there is no apprehension that the petitioner shall tamper with the evidence, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

07.08.2023
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No