

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-19562 of 2015
Date of Decision : July 15, 2015

Subhash @ Basha and another

.....Petitioners

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. J.S. Brar, Advocate.

Mr. Vikram Bishnoi, Assistant Advocate General, Punjab.

T.P.S. MANN, J. (Oral)

Subhash @ Basha and Sanna Singh, the two accused who, alongwith others, are facing trial in the case, have filed the present petition for the grant of regular bail.

It is the case of the prosecution that Subhash @ Basha petitioner had given a *kirpan* blow on the head of PW Chhinder Singh, while Sanna Singh-petitioner was attributed giving of an injury with a *gandsa* on the right upper arm of said Chhinder Singh. These two injuries attributed to the petitioners were declared simple in nature.

Initially, the FIR was registered under Sections 452, 323, 148 and 149 IPC. Later on, offence under Section 308 IPC was added vide DDR No.15 dated 6.6.2014. Both the petitioners were taken into custody but were, thereafter, granted the concession of regular bail by this Court vide order dated 4.9.2014. On 1.2.2015, Angrej Singh, one of the injured, had died. Consequent thereto, offence under Section 304 IPC was added to the FIR and the petitioners were, once again, taken into custody on 11.3.2015 and ever since then, they are behind

the bars. It is also a fact that the petitioners had not caused any injury to Angrej Singh, since deceased. It was Dilbagh Singh, co-accused of the petitioners who had been attributed a rod blow in the middle of the head of Angrej Singh, which injury was made the basis, initially, for adding the offence under Section 308 IPC. Said Dilbagh Singh is presently behind the bars.

After obtaining instructions from ASI Jaswinder Singh, learned State counsel has informed the Court that subsequent to framing of the charge under Section 304 IPC, the prosecution is yet to examine its evidence and now the trial is fixed for 27.7.2015.

Having heard learned counsel for the parties but without commenting on the merits, lest it may prejudice the case of either party, this Court is of the considered view that the petitioners deserve the concession of regular bail.

Resultantly, the petition is accepted. The petitioners, namely, Subhash @ Basha and Sanna Singh be released on bail on their furnishing appropriate bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sri Muktsar Sahib.

July 15, 2015
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(T.P.S. MANN)
JUDGE