

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

CRM No.M-3602 of 2015

Date of Decision: 12.2.2015

Satnam Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr.Kulbir Sekhon, Advocate for the petitioner.

Mr.J.S.Sekhon, AAG Punjab for the State.

MEHINDER SINGH SULLAR , J. (Oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, vide FIR No.29 dated 12.3.2011 (Annexure P1), on accusation of having committed the offences punishable under sections 148, 323, 342 read with section 149 IPC(the offences punishable u/ss 308 and 379 IPC were later on added), by the police of Police Station Kotbhai, Distt. Sri Muktsar Sahib.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, inter-alia, claimed that on 11.3.2011, the petitioner and his other co-accused caused injuries on the person of complainant Malkit Singh s/o Jarnail Singh (for brevity “the complainant:”) and injured witness Jagjit Singh with their respective weapons. All the injuries attributed to the petitioner on the person of complainant are stated to be simple in nature, whereas the injury on the person of injured PW Jagjit

Singh attributed to the petitioner, is subject matter of offence punishable u/s 308 IPC. As per medical opinion, injury No.5 on the person of Jagjit Singh is dangerous to life. As to whether such routine medical opinion will attract the penal provisions of section 308 IPC or not, inter-alia, would be a moot point to be decided during the course of trial after receipt of evidence of the parties by the trial Court.

5. Be that as it may, the petitioner was arrested on 11.3.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The final conclusion of trial will naturally take a long time. Not only that, the learned counsel for the parties are ad idem that all other co-accused in this case are on bail.

6. In the light of aforesaid reasons, taking into consideration the totality of the peculiar facts & special circumstances, emanating from the record, as depicted here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, the instant petition for regular bail is accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

7. Needless to mention that nothing observed, here-in-above, would reflect, on merits of the main case, in any manner, during the course of trial, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

(Mehinder Singh Sullar)
Judge

12.2.2015

AS