

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

CRM-M-10904-2016

Date of decision : 07.04.2016

Sukhdev Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr.Prateek Pandit, Advocate
for the petitioner.

Mz.Rimpaljeet Kaur, AAG, Punjab.

Mr.Vivek K.Thakur, Advocate
for the complainant.

JASWANT SINGH, J.(ORAL)

Prayer in this petition under Section 439, Criminal Procedure Code, on behalf of accused/petitioner-Sukhdev Singh for grant of regular bail in case FIR No.186 dated 30.09.2014, for offences punishable under Sections 302/34 IPC registered at Police Station Sultanpur Lodhi, District Kapurthala.

As per the allegations of the eye-witness/complainant Ajay Kumar son of Nirmal Singh, when on 30.09.2014 at around 08.30 AM, he along with his brother Manpreet Singh were coming out of their house on

a motorcycle, the petitioner-accused Sukhdev Singh inflicted a *dang* blow towards Manpreet Singh (driver of the motorcycle) which hit on the motorcycle and both of them fell down, thereafter co-accused Narender Singh is alleged to have inflicted a *kirch* blow near the left eye of Manpreet Singh, co-accused Sukhwinder Singh is alleged to have inflicted a *kirch* blow on left side of the chest of Manpreet Singh. The complainant is alleged to have received a *kirch* blow on the left bicep inflicted by Sukhwinder Singh when he tried to save his brother.

The complainant party and the accused are collaterals and the co-accused Narender and Sukhwinder are sons of the present petitioner-Sukhdev, who is also the *Taya* (uncle) of the deceased-Manpreet. Concededly, the present accused had filed a suit, prior in time seeking perpetual injunction against the complainant party from raising any construction on any part of the street abutting their houses.

It is contended that the petitioner is in custody since 01.10.2014 and the material witnesses have since been examined.

It is next contended that the petitioner is alleged to have armed with *dang* and attributed a single blow towards the deceased, which instead hit the motorcycle.

Learned counsel for the complainant submits that the petitioner is the one who launched the attack and therefore, is not entitled to bail.

Learned State counsel assisted by ASI Lakhwinder Singh

does not refute the contention that the material witnesses have been examined and 8 out of 17 witnesses still remain to be examined.

Without commenting on the merits of the case, keeping in view the attributed role, custody period and trial not likely to be concluded in the near future, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate / Duty Magistrate concerned.

(JASWANT SINGH)
JUDGE

April 07, 2016.
Davinder Kumar