

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

(130)

CRM-M-15944-2016

Decided on: June 02, 2016.

Rajdeep Singh @ Lally

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Vishnav Gandhi, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

The petitioner has been in custody w.e.f 08.02.2016 in a case registered at the instance of Mandeep Singh alleging that the petitioner along with 10-11 other persons had come to the shop of the complainant and assaulted him by constituting unlawful assembly with 'gandasi', 'kirpan', 'khanda' and 'saria' etc.

Learned counsel for the petitioner has drawn attention of this Court to an order dated 15.10.2015 passed by Additional Sessions Judge, Jalandhar, acquitting the co-accused of the petitioner on the basis of the complainant having turned hostile.

Learned counsel for the complainant has intervened to oppose application for bail contending that the other co-accused of the petitioner being with muffled faces, were not recognized by the complainant resulting in acquittal of the co-accused of the petitioner but the petitioner can be identified by the complainant.

I have considered the contentions of learned counsel for the petitioner, learned State counsel and learned counsel for the complainant.

The statement of the complainant made during course of trial qua the co-accused of the petitioner raises a dual version regarding the whole incident. Supplementary challan having been presented against the petitioner, the petitioner, in said circumstances, can be granted concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(M.M.S. BEDI)
JUDGE

June 02, 2016
harsha