

CRM-M-25332-2016

Date of decision: October 07, 2016

Sukhwinder Singh @ DC

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab
for the respondent-State.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 439 of Code of Criminal Procedure, petitioner has sought bail, in case bearing FIR No.43 dated 05.04.2016, under Sections 307, 325, 341, 323, 148, 149, 295-A, 201 of IPC and Section 25 of Arms Act, registered at Police Station Dirba, District Sangrur, during the pendency of the trial.

The only allegation which emerges from the FIR is that Sukhwinder Singh had brought an iron rod from the Verna car and attacked with it on the head of Jasveer Singh with intention to kill him but to ward off the same, he raised both of his hands which resulted into injury at the back of his left hand. Further allegation is that while running away from the spot, Sukhwinder Singh and his co-accused Lakhwinder Singh had attacked with their pistols out of their dabs and while firing towards the complainant-party, they fled away towards village Janal.

At this juncture, learned State counsel has submitted that there are as many as ten other cases against Sukhwinder Singh and he is a hardened criminal. However, during the course of arguments, it has come to light that out of the nine cases, the lists of which was cited to learned counsel for the petitioner on the last date of hearing, in seven cases he has already been acquitted and in one case, the cancellation report has been submitted and now in ninth case, he his facing the trial but taking into consideration the nature of the offence as well as allegations complained of against the petitioner as well as the fact that petitioner is suffering incarceration since the date of his arrest i.e. 19th April, 2016, this Court is of the considered view, that a case is made out for the grant of bail. Even otherwise, report under Section 173(2) Cr.P.C. has already been presented, the disposal of which is likely to take sufficient long time.

Taking into consideration the aforesaid aspects of the case but without expressing any opinion on merits, petition is allowed and petitioner is ordered to be released on bail on his furnishing requisite bonds at the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

October 07, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No