

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.322 of 2016

Date of Decision:-13.01.2016

Dalvir Singh & Anr.

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Dinesh Nagar, Advocate for the Petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Gurmeet Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the three petitioners namely Dalvir Singh and Jasbir Singh @ Bhikha in case FIR No.147 dated 26.10.2015 for offences punishable under Sections 323, 324, 506, 148, 149 of Indian Penal Code (Section 326 Indian Penal Code added later on) registered with Police Station Balachaur, District Shaheed Bhagat Singh Nagar.

The dispute had occurred on the night of 22/23.12.2015 over playing of music by the DJ in a marriage party.

Petitioner no.1-Dalvir Singh is alleged to have inflicted a *Gandasi* blow above the ear of the complainant-Munish Kumar whereas

petitioner no.2-Jasbir Singh @ Bhikha is stated to be empty handed but connived with the other group of accused persons in inflicting injuries to the complainant. There are two injuries on the one ear of the complainant and other one is stated to be inflicted by Munish armed with *Gandasi*.

Learned Counsel for the petitioners at this stage withdraws his prayer for grant of regular bail to **petitioner no.1-Dalvir Singh** since the main/grievous injury is attributed to him and prays for consideration of regular bail on behalf of petitioner no.2 only. It is contended that the petitioner no.2-Jasbir Singh Bhikha is in custody 08.12.2015 and no overt act is attributed to the petitioner.

Learned State Counsel assisted by ASI Gurmeet Singh does not refute the contention regarding the role attributed to the petitioner, custody period and the fact that the investigation qua him is over.

Without commenting on the merits of the case, keeping in view the above, bail application of **petitioner no.1-Dalvir Singh** is hereby **dismissed as withdrawn**, whereas it is apparent that trial is not likely to be concluded in near future and as such no useful purpose would be served by keeping the petitioner-Jasbir Singh @ Bhikha behind the bars, as such the present petition is allowed qua petitioner-Jasbir Singh @ Bhikha and he is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Shaheed Bhagat Singh Nagar.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

January 13, 2016
Vinay