

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-37124 of 2016

Date of Decision: 27.10.2016

Suba Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. A.S. Ahluwalia, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.7 dated 24.1.2016 under Sections 324/323/148/149 IPC and Section 302 IPC (added later on) registered at Police Station Maur, District Bathinda.

Learned counsel for the petitioner contends that though the petitioner has been attributed the role of causing *dang* blow, which he was carrying, but the said injury was given to the complainant Bhola Singh. He says that deceased in the case is Harbans Singh and no injury was caused by the petitioner to Harbans Singh. Therefore, considering the fact that the petitioner is in custody since 3.2.2016, he be released on bail.

Though learned State counsel does not dispute the contentions raised on behalf of the petitioner, yet he submits that the petitioner was a member of unlawful assembly.

On the other hand, learned counsel for the complainant says that though the injury attributed to the petitioner was caused to the complainant and not the deceased, but the fact remains that the petitioner was a member of unlawful assembly and therefore, his active participation in the crime cannot be ruled out.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 3.2.2016 and has not caused any injury to deceased Harbans Singh, I deem it appropriate to release the petitioner on regular bail. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case.

October 27, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No