

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-44385 of 2016

Date of Decision: 21.12.2016

Nazam Singh @ Raju

...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. Gurinderjit Singh, 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 (which was added later on) registered at Police Station Maur, District Bathinda.

Learned counsel for the petitioner argues that the petitioner has not been attributed any injury which may have resulted the death of deceased Harbans Singh. Petitioner is alleged to have caused *dang* blow on the right wrist of injured Bhola Singh. Even that injury is simple in nature. He further states that even the petitioner had suffered three injuries at the hands of the complainant side and as such, there is a cross-version to the present FIR also. Learned counsel further submits that the petitioner is in custody since 7.2.2016 and considering the fact that trial in the case will

take long time, he be released on bail. He relies upon order dated 22.11.2016 passed by this Court in CRM-M-40591-2016 *Sukhpal Singh v. State of Punjab*, granting bail to co-accused of the petitioner.

Learned State counsel has filed the custody certificate of the petitioner and does not dispute the custody of the petitioner as well as the injury attributed to him. However, he submits that presence of the petitioner was instrumental in execution of crime and therefore, he is not entitled for bail.

I have heard learned counsel for the parties.

Admittedly, the only injury attributed to the petitioner is the *dang* blow on the right wrist of Bhola Singh, however, that injury has been declared as simple in nature. Considering the fact that the petitioner is in custody since 7.2.2016 and trial in the case will take long time, there is no idea to keep the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail during the pendency of the trial, subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

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

December 21, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No