

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

**CRM-M No.11689 of 2017
Date of Decision: 20.04.2017**

Balwinder Singh @ Baljinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioners seek regular bail in FIR No.121, dated 28.08.2016, registered under Sections 302, 323, 324, 148 and 149 IPC, at Police Station Machhiwara Sahib, District Ludhiana.

Seeking regular bail for the petitioner, learned counsel submits that a perusal of the FIR shows that the petitioner has not been attributed any injury to the deceased; the only injury attributed to the petitioner is to the left arm of Surinder Kaur-sister-in-law of the complainant by a Gandasi; Medico Legal report of Surinder Kaur shows no injury on her left arm; the case set up in FIR is not supported by the medical evidence; there is no other criminal case pending against the petitioner and since 28 witnesses are cited by the prosecution and none of them has been examined till date it is expected that the trial is not likely to conclude in the near future.

Learned State counsel opposes the grant of bail on the ground that the petitioner was a part of the unlawful assembly in which Gurdeep Singh was murdered.

The case of the prosecution is that the petitioner has caused an injury on the left arm of Surinder Kaur by a Gandasi. However, on perusal of the Medico Legal report of Surinder Kaur no injury on her left arm is found. Therefore, the case set up in the FIR finding no support from the medical evidence on record, the exact role of the petitioner would only be deciphered during the trial in which 28 witnesses have been cited by the prosecution and since in the trial, as on date, even the charges have not been framed, it is not likely to conclude in the near future.

In view of the above, I am of the opinion that the petitioner deserves to be admitted to regular bail.

Bail to the satisfaction of the trial Court.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

If the petitioner is found indulging in any other criminal activity/misusing the concession of bail granted to him, it will be open to the State to move an appropriate application before the Competent Court/this Court for cancellation of the bail granted to the petitioner through this order.

April 20, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No