

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

**CRM-M No.20350 of 2017
Date of Decision : 08.06.2017**

Mukhtiar Singh @ Vikka

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Jagjit Singh, Advocate
for the petitioner(s).

Mr. Daljeet S. Virk, Asstt. Advocate General, Punjab
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

Mr. Vivek K. Thakur, Advocate has put in appearance on his own on behalf of the complainant to assist the respondent-State and filed his *vakalatnama* today in the Court, which is taken on record.

The allegations against petitioner-Mukhtiar Singh @ Vikka in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.35 dated 23rd March, 2017, registered at Police Station Sadar Kapurthala, District Kapurthala under Sections 324, 379, 326, 34 IPC, are that on 22nd of March, 2017 at around 6.30 pm, it is alleged that he armed with the *dattar* along with his co-accused/non-applicant-Gurwinder Singh @ Gindi, had assaulted complainant-Jagroop Singh.

As per the attribution of the prosecution, the petitioner is alleged to have given a *dattar* blow, which has chopped off only the right thumb portion of the victim which is opined to be grievous in nature.

The contention of learned counsel for the petitioner that the very plausibility of the injury only on the thumb with a blow of *dattar* has been given and the complainant claims to have tried to ward off by raising of his hand and that it is a case of version and cross-version and that similarly placed co-accused/non-applicant-Gurvinder Singh has already been allowed regular bail by this Court vide orders dated 23rd May, 2017 and the case of present petitioner is not distinguishable from that of his co-accused.

Though on behalf of the State, Mr. Daljeet S. Virk, Asstt. Advocate General, Punjab assisted by Mr. Vivek K. Thakur, Advocate for the petitioner, have sought to oppose the same with much elance contending that a grievous injury i.e. chopping of portion of the thumb of the victim has taken place and thus, opposed the concession of regular bail to the petitioner.

However, appreciating these submissions in the light of contentions of learned counsel for the petitioner that the petitioner is behind the bars since 28th of March, 2017, which is conceded to by the learned State Counsel, who has placed on record custody certificate to this effect, which is taken on record and the fact that culpability, if any, shall be determined at the trial coupled with the fact that the trial will take a long time to conclude and in view of the principle of parity, this Court is of the opinion that further detention of the petitioner in the present case is not warranted. Accordingly, he is ordered to be released on regular bail to the

satisfaction of Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate,
Kapurthala.

The present petition stands disposed off accordingly.

June 08, 2017
Dpr

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No