

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

**CRM-M No.35945 of 2016
Date of Decision: 21.03.2017**

Sukhwinder Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

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

DEEPAK SIBAL J. (ORAL)

Learned State counsel has filed short affidavit of Lalit Kohli, PPS, Deputy Superintendent, Central Jail, Jalandhar at Kapurthala on behalf of the respondent-State as also the custody certificate of the petitioner in Court today, which are ordered to be taken on record. Copies of the same have been furnished to learned counsel for the petitioner.

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.29, dated 19.03.2015, registered under Sections 325, 323, 506 and 34 IPC (offence under Section 308 IPC added later on), at Police Station Goraya, District Jalandhar.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner has been in custody for over 02 years; only 07 prosecution witnesses out of the total 14 cited prosecution witnesses have been examined; the petitioner is suffering from HIV AIDS; since all

material witnesses have been examined there is no chance for the petitioner to tamper with the evidence and as the FIR was lodged after one month of the occurrence, the question of false implication of the petitioner would only be deciphered during the course of trial.

Learned State counsel opposes the grant of regular bail on the ground that the petitioner has inflicted several injuries which were declared dangerous to life.

The petitioner is admittedly suffering from HIV AIDS; he has been in custody for over 02 years; 07 prosecution witnesses still remain to be examined and thus, the trial is not likely to conclude in the near future.

In view of the above, in my opinion, the petitioner deserves to be admitted to regular bail especially when all the material witnesses have already been examined before the trial Court.

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 granted bail to the petitioner through this order.

March 21, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No