

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

Crl. Misc. No.M-10427 of 2018

Date of Decision: 17.09.2018

Balkar Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

Mr. Parminder Walia, Advocate
for Mr. Salil Bali, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.121 dated 27.10.2017 registered under Sections 302, 307, 201, 120-B, 148, 149 IPC and Section 25/27 of the Arms Act at Police Station Lakho Ke Behram, District Ferozepur.

Learned counsel for the petitioner submits that it is a case of version and cross version. Cross version was recorded at the instance of the petitioner.

As per allegations levelled in the FIR, the petitioner was not armed with any weapon and the allegations against him are that he along with his co-accused threw brick bats towards complainant party. The

deceased had received three fire arm injuries. Petitioner himself received five injuries including fire arm injuries. Petitioner has not been attributed any specific injury and he has been implicated because of aid of Sections 148/149 of the IPC.

Although the allegations of pelting of brick bats are there but the bricks were not collected from the place of occurrence. The petitioner is 70 years of age and is in custody since 05.11.2017. Being a case of version and cross version, it is to be seen as to who was more aggressive. There are total 21 witnesses and only one witness has been examined. The trial may take long time to conclude and no useful purpose would be served by keeping him in custody.

Learned State counsel has not disputed the custody period which is approximately 10 months and the stage of trial as well as role of the petitioner. Learned State counsel also submits that the injury caused to the petitioner has been found to be self inflicted by the Investigating Officer.

Learned counsel for the complainant has also opposed the submissions made by learned counsel for the petitioner and submits that the petitioner does not entitle for bail keeping in view the seriousness of offence.

Heard the arguments of learned counsel for the parties and have also gone through the FIR as well as other documents available on the file.

By considering the submissions made by learned counsel for the petitioner that it is a case of version and cross version; as per allegations, the petitioner has not been found to be armed with any weapon and the only allegation against him is that he along with his co-accused

threw brick bats towards complainant party which has occurred due to fire arm injuries; the petitioner himself has received injuries; he is in custody for the last approximately ten months; his role and the status of trial, the present petition is allowed and petitioner, namely, Balkar Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

17.09.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No