

CRM-M-11820-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11820-2018

Date of Decision: 26th March, 2018

Rajwinder Singh @ Mithu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sahil Puri, Advocate,
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.76, dated 16.07.2017, registered at Police Station Talwandi Chaudhrian, District Kapurthala, under Sections 302, 452, 506 and 34 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner is not named in the FIR nor has there been any role attributed to him including the overt act. The only allegation in the FIR is that abusive language was used by Surjit Singh son of Kashmir Singh and others, which according to the allegation including petitioner, but the overt act apart from this is blow of *datar* on the left side of the head of mother of the complainant by Surjit Singh. Counsel contends that the petitioner is in custody since 10.08.2017 and out of 22 prosecution witnesses, only two

witnesses have been examined till date. Continuation of the petitioner in custody would not serve any purpose especially when the trial is not likely to conclude soon. He, therefore, prays for grant of regular bail to the petitioner during the trial.

Counsel for the State, on the other hand, contends that except for the fact that the petitioner was accompanying the others and had entered the house of the complainant and used abusive language, no other overt act has been attributed to him, however, she states that as the petitioner was there along with others, his intention was very much to commit the offence and therefore, should not be granted the concession of regular bail.

Having considered the submissions made by the counsel for the parties and going through the records of the case as also keeping in view the facts that petitioner is not named in the FIR nor any overt act, except for having entered the house of the complainant forcibly and used abusive language, has been attributed to the petitioner and the trial is not likely to conclude soon, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(AUGUSTINE GEORGE MASIH)
JUDGE

26th March, 2018
Harish

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