

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

**CRM-M-19823-2018
Date of decision: 28.09.2018**

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. R. S. Chugh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 121 dated 28.08.2016, registered under Sections 302, 323, 324, 148 and 149 of the IPC at Police Station Machhiwara Sahib, Ludhiana City, Ludhiana.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner is attributed an iron rod blow on the left arm of Sucha Singh, brother of the complainant. Learned counsel for the petitioner further submits that three of the co-accused, namely Gurmeet Kaur, who is attributed a *lalkara*, was granted regular bail vide order dated 03.10.2017 passed in CRM-M-36121-2017; another co-accused Balwinder Singh @ Baljinder Singh, who is attributed a *Gandasi* blow to the left arm of Surinder Kaur, sister-in-law of the complainant, has been granted regular

bail vide order dated 20.04.2017 passed in CRM-M-11689-2017 and the third co-accused Bachan Kaur, who is attributed an injury with a baseball bat to aforesaid Surinder Kaur, has also been granted regular bail vide order dated 26.07.2017 passed in CRM-M-18121-2017.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody since 31.08.2016 and a period of more than two years has lapsed and the case is still at the stage of recording prosecution evidence. It is also submitted that out of total 28 prosecution witnesses, only examination-in-chief of the complainant has been recorded so far and thereafter, an application under Section 319 Cr.P.C. has been moved.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in judicial custody for the last more than two years and similarly situated co-accused have already been granted concession of regular bail and also in view of the fact that the trial is likely to take a long time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

September 28, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*