

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

Criminal Misc. No.M-20922-2018

Date of Decision: May 29, 2018.

AKWINDER SINGH

..... PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gagneshwar Walia, Advocate
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

Mr. C.S. Sharma, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.23 dated 25.01.2018 under Sections 308, 379, 354, 342, 506, 148 and 149 IPC, registered at Police Station Maqsudan, District Jalandhar.

It is submitted that the petitioner has been falsely implicated in this case. It is admittedly a case of version and cross-version. It is contended that the ocular version is not corroborated by the medical evidence on record. As per allegations in the FIR, the present petitioner is attributed with a 'gandasi' blow on the head of the complainant and her father whereas this is not borne out from the

Medico Legal Reports of the complainant as well as complainant's father, which are attached as Annexure P-3 and Annexure P-5, respectively.

As per medico legal report, the following injuries were suffered by the complainant:-

1. Red contusion 5 cm x 3 cm abdomen upper part.
2. c/o pain right forearm. No visible mark of injury.
3. Lacerated wound 5 cm x 1 cm with muscle deep on right side of forehead vertically placed 6 cm from eyebrow.
4. Red contusion 6 cm x 2 cm on left forearm back in middle.

All injuries were declared simple in nature.

Injuries suffered by the complainant's father are also attributed with a blunt edged weapon. Similarly, situated co-accused, namely, Amandeep Kaur and Kulwaranjit Singh @ Sunny, it is submitted have been afforded the concession of bail pending trial by this Court on 14.05.2018. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Raghunath Singh, submits that the cross-version at the instance of the accused party has been found to be without substance. However, the Medico Legal Reports of the complainant as well as her father are not denied. It is verified that the petitioner is not involved in any other criminal case. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. Trial in

this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 29, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No