

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

CRM-M No.25304 of 2018

Date of decision : 30.11.2018

Soni Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Paras Talwar, Advocate for the petitioner.
 Mr. Amit Mehta, Senior DAG, Punjab.
 Mr. A. S. Rai, Advocate for the complainant.

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DAYA CHAUDHARY, J. (Oral)

This is the third petition filed by petitioner Soni Singh under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.183 dated 17.11.2016 under Sections 307, 326, 325, 323, 341, 148, 149 of the Indian Penal Code, 1860, registered at Police Station – Samana, Distt. Patiala, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. As per the allegations in the FIR, the petitioner was armed with an iron rod and caused injury to Khem Singh on his left leg, which has been declared grievous in nature. The petitioner is in custody for the last more than 1 year and 11 months and still the trial is likely to take some more time to conclude

as only 3 prosecution witnesses have been examined and an application under Section 193 Cr.P.C. was also moved which has been allowed and it would be *de novo* trial. There is no other case against him.

Learned State counsel has not disputed the custody period as well as the stage of the trial and also the fact that *de novo* trial has started.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of offence and the role played by him.

Heard arguments of learned counsel for the parties. I have also perused the contents of the FIR and other documents on the file.

Without commenting on the merits of the case and keeping in view the custody period undergone by the petitioner, which is more than 1 year and 11 months and also the fact that *de novo* trial has started and trial may take some time to conclude; there is no other case of similar nature against him; he is not having any criminal background, no purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

30.11.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No