

Subash Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

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Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 233 dated 30.10.2014 under Sections 302, 148, 149, 120-B IPC, registered at Police Station City Kotkapura, District Faridkot.

2. As per the allegations in the FIR, an iron rod blow is attributed to the petitioner on the left eye of the deceased person.

3. Learned counsel for the petitioner contends that petitioner has been in custody since 13.11.2014. Only one injury is attributed to the petitioner out of total of eighteen injuries on the body of the deceased. The cause of death according to the medical opinion is the cumulative effect of all the injuries and, thus, keeping in view the fact that the petitioner has been in custody for more than 3 ½ years and that the trial is not likely to be concluded at an early date, the petitioner deserves to be granted regular bail.

4. Learned State counsel opposes the prayer on the ground that the injury inflicted by the petitioner resulted in rupture of the left eye. He, however, does not dispute that the death was caused due to the cumulative effect of all the injuries and that the injury inflicted by the petitioner alone was not the cause of death. He

further submits that there are 22 prosecution witnesses and 11 have been examined till date.

5. Keeping in view the facts that the petitioner has been in custody since 13.11.2014 and that 11 prosecution witnesses have yet to be examined and also that the petitioner alone is not responsible for the death of the deceased person, I deem it appropriate to grant regular bail to the petitioner.

6. The petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court.

July 19, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No