

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30820-2018

Date of decision: 19.09.2018

Satwinder Singh @ Sunny @ Tota

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioner.

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

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.68 dated 29.05.2017 under Sections 307, 34 IPC read with Section 25 of Arms Act, registered at Police Station City Nawanshahar, District SBS Nagar.

The first petition for regular bail i.e. CRM-M-5199-2018 was dismissed as withdrawn on 13.03.2018 at that stage. Thereafter, the petitioner again moved an application before the trial Court for grant of regular bail, which was however dismissed.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner is attributed injuries on the cheek of the complainant and as per the discharge slip issued by PGIMER, Chandigarh where the complainant remained admitted for a period of 02 days, Section 307 IPC was added. It is further submitted that the challan has already been presented and

co-accused of the petitioner Gurpreet Singh has already been released on regular bail vide order dated 13.03.2018 passed by this Court and subsequent to withdrawal of the first regular bail petition, the prosecution has availed as many as 11 dates for recording the prosecution evidence, however, till date, despite availing sufficient time, out of 21 PWs cited in the challan, not even a single witness has been examined.

Learned counsel for the petitioner has further submitted that even the complainant/injured is subsequently arrested for an offender punishable under Section 302 IPC, in FIR No.120 dated 07.09.2017 under Sections 302, 148, 149 IPC and Sections 27/25 of Arms Act, registered at Police Station Mahilpur, District Hoshiarpur and since he is in judicial custody, his statement could not be recorded. Learned counsel has placed on record photocopy of the orders passed by the trial Court, in support of the arguments that till date, no prosecution evidence is recorded since 09.11.2017.

Learned State counsel, on instructions from ASI Surender Singh, submits that the complainant has suffered two injuries; one on the right cheek, is attributed to the petitioner and another on right shoulder, is attributed to co-accused, however, it is not disputed or denied that till date, no prosecution evidence has been recorded. Learned State counsel has filed the custody certificate and as per this custody certificate, the petitioner is not involved in any other case; he is in judicial custody since 24.06.2017 and has undergone actual custody of 01 year, 02 months and 25 days.

Without commenting anything further on merits of the case, considering the fact that the petitioner is in judicial custody for a considerable long time; till date, out of total 21 prosecution witnesses, not even a single

prosecution witness has been examined, and the petitioner is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

19.09.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No