

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

214

CRM-M-31152-2018 (O&M)
Date of Decision: 20.09.2018

GURSEWAK SINGH @SEWAK

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL.

Present:- Mr. Kuldeep V. Singh Ahluwalia, Advocate,
for the petitioner.

Mr. Vikas Sonak, Advocate for
Mr. A.S. Sekhon, Advocate
for the complainant.

Mr. J.S. Walia, Sr. DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

Petitioner seeks regular bail in case FIR no.233 dated 30.10.2014, registered under Sections 302, 148, 149, 120-B of IPC at Police Station City Kotakpura, District Faridkot.

2 In the FIR, eleven persons have been named as accused. Challan was presented against ten of them. The petitioner, is one of the persons challaned. All the accused persons are alleged to have caused injuries to the deceased person, resulting in his death.

3 Learned counsel for the petitioner submits that the petitioner has been in custody since 24.10.2015. He is attributed injuries on the non vital parts of the body such as legs and arms. Co-accused, namely, Subash

Kumar has been granted regular bail vide order dated 19.07.2018 in CRM-M-28873-2018. The petitioner is better placed than the aforementioned Subash. The trial is not likely to be concluded at an early date as six more PWs are yet to be examined. Thus, the petitioner be released on regular bail.

4 Custody certificate dated 08.08.2018, prepared by Manjit Singh Tiwana, Deputy Superintendent, Central Prison Faridkot, has been filed in Court and is taken on record. A copy thereof has been supplied to learned counsel for the petitioner. According to the certificate, the petitioner has undergone actual custody of two years, nine months and thirteen days as on 08.08.2018. There is no other case pending or decided against the petitioner.

5 Prayer for bail is opposed by learned State counsel as well as learned counsel for the complainant on the ground that the petitioner is accused of committing murder. The offence being heinous in nature, he does not deserve the concession of regular bail. However, it is not denied that the allegations against the petitioner are of inflicting blows on non-vital parts of the body.

6 The custody certificate shows that as on date the petitioner has suffered incarceration of about two years and eleven months. There is no other criminal case pending against the petitioner. Thus, it can't be said that he possesses any criminal antecedents. The trial may still take some time to conclude as six more PWs have to be examined. Co-accused, Subhash, has been granted regular bail by this Court and he was alleged to have caused injury on the left eye of the deceased person whereas the petitioner is not attributed any injury on the vital part of the body. Thus, I deem it appropriate to release the petitioner on regular bail.

7 Accordingly, petition is allowed and the petitioner-Gursewak

Singh @ Sewak is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

September 20, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>