

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.212

CRM-M-34474-2018

Date of decision : 27.09.2018

Kuljinder Pal Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. J.S. Brar, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.112 dated 16.10.2017, registered at Police Station Sadar Moga, District Moga, under Sections 302 and 304 IPC.

As per the allegations in the FIR, the petitioner was armed with a baseball bat and he alongwith his co-accused beat up the deceased person.

Learned counsel for the petitioner has drawn my attention to the MLR of the deceased, which shows that three injuries were suffered by him. Two of them are abrasions and the third injury is a head injury. The medical opinion is that it was the head injury, which caused the death. The petitioner is not accused of causing the head injury. The investigation in this case is complete. The petitioner has been in custody since 31.10.2017. The trial is not likely to be concluded at an early date and thus, the petitioner be granted regular bail.

The prayer is opposed by the learned State counsel on the ground that the petitioner as well as his co-accused chased the deceased person and thereafter, all of them caused injuries. Thus, the petitioner also had an intention to kill the deceased person.

On being asked specifically, learned State counsel submits that there is no other criminal case pending against the petitioner and that seven prosecution witnesses remain to be examined.

The evidence on record shows that the petitioner is not accused of having inflicted the fatal injury. He has been in custody since 31.10.2017 and there is no other criminal case pending against him. The trial is not likely to be concluded at an early date as seven prosecution witnesses are yet to be examined. Thus, no useful purpose would be served by keeping him in custody indefinitely.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and the petitioner-Kuljinder Pal Singh, 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

27.09.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No