

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

CRM-M-35625-2018 (O&M)

Date of Decision:-13.9.2018

Satish Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S. Thakur, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.48 dated 2.5.2013 under Sections 307, 326, 324, 148 and 149 of Indian Penal Code, 1860 at Police Station Goraya, District Police Jalandhar Rural (mentioned as Jalandhar City).

The FIR, in the present case, was lodged at the instance of Lakhvir Singh, wherein it has been alleged that on the day of occurrence, when he alongwith his brother Balwinder Pal went out of their house upon receipt of a telephone call from their co-villager Amandeep and when they reached near the gate of the village then Kuldeep Singh @ Sabi and one more person caused injuries to the complainant with the help of 'datar'.

Notice of this petition was issued to the State.

The learned State counsel has opposed the same.

The learned counsel for the petitioner has submitted that although the petitioner could not be arrested earlier and it was his co-accused Kuldeep Singh @ Sabi, who had been tried and who was

convicted but subsequently, consequent upon arrest of the petitioner and commencement of the trial, the statements of the complainant Lakhvir Singh and of the star witness Balwinder Pal have been recorded, who have both not supported the case of the prosecution qua the present petitioner. The learned counsel has thus submitted that no useful purpose would be served by further detaining the petitioner behind bars as the trial in every likelihood is likely to result in acquittal in view of the fact that the complainant has not supported the case of the prosecution.

On the other hand, the learned State counsel has submitted that since the petitioner has previously absconded and had been declared a proclaimed offender, therefore, he does not deserves the concession of bail and has thus prayed for dismissal of the petition.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been behind bars since the last more than one year and also that the complainant and the injured witness have both not supported the case of the prosecution, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars any longer, more particularly when the petitioner is not even stated to be involved in any other case.

The petition, as such, is accepted. The petitioner Satish Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate, concerned.

13.9.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No