

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

CRM M-38734 of 2018.

Date of Decision: 12.09.2018.

Sukhwinder Singh @ Finda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present: Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Ms. Monica Chhiber, Sr. DAG, Punjab
assisted by ASI Balwinder Singh.

JITENDRA CHAUHAN.J.(ORAL)

This is second bail application filed under Section 439 Cr.P.C seeking bail in case FIR No. 38 dated 19.08.2016 registered under Sections 302, 325, 120-B, 336 and 148 read with Section 149 IPC and Sections 25 and 27 of Arms Act, at Police Station Sehna, District Barnala.

Learned counsel for the petitioner contends that the petitioner did not cause any injury to the deceased. As per the FIR, the petitioner has caused injury to Nirbhai Singh on the right arm. The petitioner has been stated to be holding baton (Soti) but the injury is shown to be lacerated wound. She has argued that the injury cannot be caused by the baton as projected in the case of prosecution. She has further stated that the petitioner was not present on the spot. The complainant and all material witnesses have been examined. The petitioner is in custody since 21.08.2016 and he is not involved in any

other FIR. The petitioner is a young boy of 22 years.

On the other hand, the learned State counsel submits that the presence of the petitioner is fully established. The petitioner caused injury to one Nirbhai Singh which is lacerated one. However, on instructions, she acknowledges the fact that the complainant and all material witnesses stand examined. Till date, out of 26 prosecution witnesses, only 15 witnesses have been examined.

Heard.

Considering the fact that the challan stands already presented, the petitioner is in custody since 21.08.2016, out of 26 prosecution witnesses, 15 have been examined, the first bail application was not dismissed on merits and taking into consideration the role attributed to the petitioner, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

12.09.2018.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No