

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

**CRM-M No.40003 of 2018
Decided on: 20.09.2018**

Gulzar Singh and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Anuj Garg, Advocate
for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.84 dated 08.06.2018, for offence punishable under Sections 452, 324, 323, 506, 148 and 149 of the Indian Penal Code (in short 'IPC') (Section 326 IPC added later), registered at Police Station Dharmakot, Moga.

Counsel for the petitioners has submitted that as per the allegations in the FIR, registered by one Ranjit Singh on 08.06.2018, the petitioners used to drink liquor while standing near his flour mill and on an earlier occasion, he has stopped them from doing so. It is further stated that on 07.06.2018, while the wife of the complainant was watching T.V., Mukhtiar Singh – co-accused (not arrested so far) carrying a *kirpan* along with the petitioners and their father – Karnail Singh, carrying a *dang* entered the house of the complainant and caused

injuries to his wife. It is further argued that as per the allegations in the FIR, simple injuries are attributed to the victim. It is also submitted that the petitioners are in judicial custody since 09.06.2018 and 02.07.2018, they are not involved in any other case and till date, despite the lapse of a period of 90 days, challan has not been presented before the trial Court.

Counsel for the State, on instructions from HC Malkeet Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioners are not required for further investigation; they are not involved in any other case; the petitioners are in judicial custody since 09.06.2018 and 02.07.2018, this petition is allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

20.09.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No