

Crl. Misc. No. M-40766 of 2018

Date of Decision: October 11, 2018

Mohinder Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. G.S. Sandhu, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

Mr. J.S. Brar, Advocate
for the complainant**Sudhir Mittal, J. (Oral)**

The petitioner seeks grant of regular bail in case FIR No. 233 dated 30.10.2014 under Sections 302, 148, 149, 120-B IPC registered at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner submits that identically situated co-accused has been granted regular bail by this Court vide order dated 19.07.2018 passed in CRM-M-28873-2018 (Annexure P-3). He further submits that the trial may still not be concluded at an early date as nine more witnesses have to be examined. The petitioner does not have any criminal antecedent and, thus, he may also be released on regular bail.

Learned State counsel opposes the prayer on the ground that the petitioner had caused an injury with an iron rod between the eyes of the deceased. He further submits that there is one more case pending against the petitioner under Sections 324, 323, 148, 149 IPC and Section 42 of the Prisons Act, 1894.

A perusal of order dated 19.07.2018 passed in CRM-M-28873-2018 shows that the accused in that case was attributed an injury on the left eye of the

deceased person. The petitioner is attributed an injury between the eyes and, thus, the contention of learned counsel for the petitioner that he is identically situated as the petitioner in the said petition, is correct. It is also apparent from the submissions of learned counsel for the parties that the petitioner is not a hardened criminal. The second case pending against him must have been on account of a quarrel in the jail. The trial may still take some time to be concluded as nine PWs have yet to be examined, thus, it would be appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

October 11, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No