

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

**CRM-M-42851-2018
Date of decision: 22.10.2018**

Akash @ Akashdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Chander Shekhar Sharma, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 104 dated 03.05.2018, under Sections 323, 325, 427, 506, 341, 307, 379, 148 and 149 of the IPC, registered at Police Station Kotwali, District Kapurthala.

Learned counsel for the petitioner submits that while granting regular bail to co-accused Jaskaran Singh, the following order was passed on 21.08.2018 in CRM-M-35044-2017:

“Learned counsel for the petitioner submits that while granting the concession of regular bail to co-accused Ranbir Singh @ Jodha, following order was passed on 08.08.2018 in CRM-M-33109-2018: -

“Learned counsel for the petitioner has placed on record photocopy of the admission record of the injured/victim Ranjit Singh dated 23.04.2018, in which it is reported that it is a case of alleged history of roadside accident.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 12.06.2018 and the FIR was registered after about 11 days, when the doctor declared the injured/victim fit to make statement and has specifically named four other co-accused, who caused injuries to him, whereas the petitioner is not attributed any injury. Learned State counsel, on instructions from ASI Lakhwinder Singh, submits that all the five accused persons have been arrested, investigation is complete and the challan will be presented soon.”

Learned counsel for the petitioner further submits that now the challan has been presented and it will take long time in conclusion of the trial. It is further submitted that the petitioner is in judicial custody since 12.06.2018 and he is attributed only a simple injury and is not involved in any other case. Learned State counsel, on instructions from ASI Lakhwinder Singh, and assisted by learned counsel for the complainant, could not dispute the fact that the petitioner is attributed a simple injury and the challan has already been presented.”

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case; he is in judicial custody since 13.06.2018 and he is no more required for any further custodial investigation.

Learned State counsel, on the basis of the custody certificate and on instructions from ASI Tarsem Singh, has opposed the grant of regular bail to petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that two of the co-accused of the petitioner have already been granted concession of regular bail; petitioner is in judicial custody since 13.06.2018 and he is not involved in any other case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

October 22, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No