

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

**CRM-M No.42474 of 2017(O&M)**

**Date of decision : 27.08.2018**

**Balwinder Singh and others**

.....Petitioners

*Versus*

**State of Punjab**

...Respondent

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present : Mr. A. S. Kakkar, Advocate for the petitioners.

Mr. C. L. Pawar, Senior DAG, Punjab.

Mr. Apanjyot S. Virk, Advocate for the complainant.

\* \* \*

**DAYA CHAUDHARY, J. (Oral)**

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by four petitioners namely Balwinder Singh, Joginder Singh, Gursharanjit Singh @ Sharanjit Singh and Sikanderbir Singh alias Sikander Singh for grant of regular bail to them in case FIR No.63 dated 10.10.2016 under Sections 302, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Khalra, Distt. Tarn Taran.

Learned counsel for the petitioners submits that it was a case of sudden fight and the petitioners have falsely been implicated. Petitioners and the complainant belong to the nearby villages and there was no previous

enmity between them. There was no motive to cause injury to the deceased. Learned counsel further submits that as per the medical evidence, there is only one injury on the person of the deceased and the entire story of the prosecution appears to be false. The petitioners are in custody for the last about 01 year and 09 months. There are total 27 prosecution witnesses and out of them only 8 have been examined and trial may take some more time to conclude and no purpose would be served by keeping them in custody.

Learned State counsel as well as learned counsel for the complainant have not disputed the period of custody undergone by the petitioners and the stage of the trial. However, it has been submitted that keeping in view the active role attributed to petitioners No.2 to 4 as not only they were armed with deadly weapons but caused injuries also, they are not entitled for bail.

Heard arguments of learned counsel for the petitioners and learned State counsel as well as learned counsel for the complainant.

Perusal of contents of the FIR and other documents on the file shows that petitioners No.2 to 4 have caused injuries on the person of the deceased and their roles have also been specified in the FIR. As far as petitioner No.1 Balwinder Singh is concerned, no specific role has been attributed to him.

By considering the roles attributed to petitioners No.2 to 4, no ground is made out to release them on regular bail and accordingly, the present petition qua to them is dismissed. However, keeping in view the period of custody undergone by petitioner No.1 Balwinder Singh and the

role attributed to him, the present petition qua to him is allowed and he is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

However, any opinion expressed above may not be construed any opinion on merits of the case during trial.

**27.08.2018**

*sunil yadav*

**( DAYA CHAUDHARY )  
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No