

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

**Criminal Misc. No. M-4549 of 2018
Date of decision: 26.11.2018**

Avtar Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab
for the respondent -State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Avtar Singh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.80 dated 27.08.2016 registered under Sections 302, 148, 149 read with Section 120-B IPC and Section 323 IPC added later on at Police Station Bareta, District Mansa during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case on the basis of general allegations. Complainant-Makhan Singh and two more eye witnesses, namely, Balwinder Kaur and Parvinder Singh @ Parri, have been examined and all the three witnesses including the injured have not stated in their statements that any specific injury has been attributed to the petitioner. Learned counsel further submits that even as per MLR, all the injuries are blunt and no specific injury has been attributed to the petitioner. The petitioner is in custody since 26.10.2016. Seven co-accused have been released on regular bail. Learned counsel also submits that all the material witnesses have been examined as out of total 31 prosecution witnesses, 18 witnesses have been examined. Still trial may take time to conclude. No purpose would be served

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by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period as well as examination of material witnesses and the fact that seven co-accused have been released on regular bail. Learned State counsel has opposed grant of regular bail to the petitioner on the ground that not only the petitioner was named but he was armed with wooden baton (*Danda*) also and injury has been caused. Learned State counsel has not specified as to which injury has been attributed to the present petitioner as multiple injuries were there, which were caused by the accused persons.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Admittedly, the petitioner is in custody since 26.10.2016. Out of total 31 prosecution witnesses, 18 witnesses have been examined. Meaning thereby, all the material witnesses have been examined. No specific injury has been attributed to the petitioner. Seven co-accused have been released on regular bail. The trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner (Avtar Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

26.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable Yes