

CRM-M-642-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-642-2018

Date of Decision: 24th January, 2018

Balkar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Gurmeet Singh Sahni, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.169 dated 03.07.2015, registered at Police Station Sadar Ferozepur, under Sections 302, 323, 148 and 149 of the Indian Penal Code.

It is the contention of the counsel for the petitioner that the petitioner has been attributed three injuries, one each on Swarn Singh, Gurmeet Singh and Sardool Singh. All these injuries although are alleged to have been caused with Kirpan but have been found to be simple in nature. He contends that the petitioner is in custody since 17.07.2015 and has, therefore, been in custody for the last more than 2

years and 6 months. He further contends that trial is not likely to conclude soon and therefore, prays that the petitioner be enlarged on bail as a similarly placed co-accused, namely, Jarnail Singh @ Pritam Singh has been granted the benefit of regular bail by this Court.

Counsel for the State has produced the custody certificate, which clearly depicts that the petitioner is in custody for the last two years, 6 months and 5 days. Counsel for the State contends that the petitioner has been found to be involved in both the incidents and has been named therein. He, however, could not dispute the fact that the injuries attributed to the petitioner have been found to be simple in nature.

On the asking of the Court, counsel for the State, on instructions from HC Paramjit Singh, Police Station Sadar Ferozepur, states that out of the total 15 prosecution witnesses, 8 have been examined and today was the date fixed before the trial Court but none of the witnesses has come present. He, however, states that a specific role has been attributed to the petitioner alongwith the injuries which have been corroborated by the medical evidence in the MLR, the concession of regular bail be not granted to him.

Counsel for the complainant also supports the assertions as have been made by the counsel for the State and submits that the presence of the petitioner is established on the basis of the statements of the witnesses and therefore, he may not be granted the concession of regular

bail.

Having considered the submissions made by the counsel for the parties and on going through the allegations levelled against the petitioner and keeping in view the facts that the nature of injuries attributed to the petitioner have been found to be simple; the petitioner is in custody for the last more than 2 years and 6 months; the trial is not likely to conclude soon as there are still 7 witnesses to be examined and co-accused namely Jarnail Singh @ Pritam Singh has already been granted the concession of regular bail, without going into merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court/Duty Magistrate, Ferozepur.

24th January, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No