

Crl. Misc. No. M-6494 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-6494 of 2018

DATE OF DECISION:06.09.2018

Chiman Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. B.S. Aulakh, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Chiman Singh in case FIR No. 82 dated 5.6.2017 registered under Sections 304,308,323,148,149 IPC and 302, 325 IPC (added later on) at Police Station Sadar Fazilka.

Learned counsel for the petitioner contends that as per allegations in the FIR, neither any specific role has been attributed to the petitioner nor any injury caused to the deceased. As per allegations, the petitioner has caused injury to the complainant and not to the deceased. There was a dispute between the complainant and his uncle regarding share of electric motor and all of a sudden the incident occurred. Learned counsel further contends that the main accused with whom the dispute was there has been declared innocent and the petitioner has been involved in the case.

Challan has been presented and nothing is to be recovered from him. The petitioner is in custody since 11.6.2017 and no purpose would be served by keeping him in custody. Learned counsel also contends that no other case is pending against the petitioner.

Learned counsel for the respondent-State has not disputed the submissions made by learned counsel for the petitioner but opposed grant of bail to the petitioner on the ground of seriousness of the offence.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and the facts that the petitioner has not caused any injury to the deceased and injury has been alleged to be caused to the complainant; the petitioner is in custody since 11.6.2017; challan has already been presented; the petitioner is ready to face the trial and to abide by all the terms and conditions to be imposed by this Court or by the trial Court and also undertake to appear before the trial Court on each and every date and not to influence the witnesses or tamper with the record and that there is no other case against him, the present petition is allowed. Petitioner-Chiman Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

September 06, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes