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

CRM-M No.7675 of 2018
Date of Decision: 14.03.2018

Sahib Singh @ Saba

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.38 dated 25.02.2015, registered under Sections 302, 307, 326, 506, 323, 324, 212, 216, 148, 149 IPC registered at Police Station Gate Hakima, Amritsar.

2. As per allegations in the FIR, Jasbir Singh was armed with Dagger and he inflicted Dagger blow in the abdomen of Harpal Singh. Raja and Sagar caught hold of Harpal Singh and started inflicting injuries with their respective weapons. The occurrence was witnessed by Baba Charan Nath, Mangal

Singh, Karan Singh son of Kulwinder Singh and Karam Singh Mau son of Kartar Singh. Three injuries were found on the person of Harpal Singh in the post-mortem report. No injury was found on the abdomen of Harpal Singh which was read in conjunction with other material while considering his bail in CRM-M No.45100 of 2017 on 12.01.2018.

3. Bail was ultimately granted to co-accused Jasbir Singh. Eye witnesses namely Karam Singh, Dharam Singh and Mangal Singh were examined as PW1 to PW3 respectively. The aforesaid witnesses have not supported the case of the prosecution. The complainant has also been examined as PW7 and he has also resiled.

4. Taking into consideration the facts that at one point of time, petitioner was declared to be innocent by the police during course of investigation. It is only thereafter, the attribution qua the petitioner was alleged and the Court did not accept the report of innocence of the petitioner.

5. Taking into consideration the totality of facts and circumstances of the case and without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

6. In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

7. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

14.03.2018

jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No