

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

CRM-M-573-2019

Date of decision:15.01.2019

Kharak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.303 dated 21.07.2018 under Sections 307, 455, 364, 324, 506, 341, 148, 149 of Indian Penal Code, 1860 and Section 25 of Arms Act, Police Station City Barnala, District Barnala.
2. The allegation in nut-shell are that the complainant Yudhvair Singh @ Nikka Dholi and his friend Satnam Singh were caused injuries by the petitioner Kharak Singh and his brother Baghel Singh @ Raja who were armed with 'Khanda' along with three unknown persons. While complainant Yudhvair Singh received 4 injuries, Satnam Singh is alleged

to have sustained 2 injuries. However, none of the injuries is stated to be on a vital part and all are stated to be either on arms or on legs. The petitioner is also alleged to be carrying a country made pistol, although there is no allegation to the effect that he had fired from the same.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that it is not only the present case but as many as 15 other criminal cases which have been planted upon the petitioner merely on account of the fact that the brother of the petitioner had been killed by the police while he was in police custody and that the petitioner and his family had actively taken up the matter with the authorities and had also approached this Court and it was thereafter that directions were issued to register an FIR pertaining to the mysterious death of Veer Singh @ Hira (brother of the petitioner) while in police custody. Learned counsel has stated that police is all out to pressurize the petitioner and his entire family so as not to press case pertaining to custodial death of the petitioner's brother.
4. On the other hand, learned State counsel has submitted that since the petitioner is not only specifically named in the FIR and also attributed injuries, consequently, no case for grant of bail is made out. It has further been informed that challan has already been presented and charge has already been framed, although no PW out of the cited 16 PWs has been examined so far.
5. Having considered rival contentions addressed before this Court and without commenting upon the contentions of the petitioner regarding false implication on account of petitioner pursuing case pertaining to

the death of his brother in police custody and while also bearing in mind that the petitioner as of now has been behind bars since last more than 4 months and that not even a single PW out of cited 16 PWs has been examined so far and that conclusion of trial, in its normal course, is likely to take some time, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.
7. This petition stands accepted accordingly.

15.01.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**