

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

CRM-M No. 2397 of 2019

Date of decision : 26.02.2019

Sarabjit Singh @ Sonu

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. P. S. Sekhon, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed by petitioner Sarabjit Singh alias Sonu under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No. 89 dated 05.09.2016 under Sections 307, 353, 332, 186, 427 and 34 of the Indian Penal Code, 1860 (for short - 'IPC'), registered at Police Station – Sadar Nabha, Distt. Patiala, during pendency of the trial.

Learned counsel for the petitioner submits that the FIR was registered against unknown persons. It is a case of simple injury and no offence is made out under Section 307 IPC. Petitioner is in custody since 15.10.2018. Co-accused of the petitioner namely Sandeep Singh filed CRM-M No.11693 of 2017 and he has been released on regular bail vide order dated 30.05.2017.

Learned State counsel has not disputed the custody period of the petitioner but opposed the bail on the ground that earlier the petitioner

was declared PO on 11.04.2018. Thereafter, he did not surrender and was arrested by the police on 15.10.2018. Learned State counsel also submits that for attracting provisions under Section 307 IPC, intention is to be seen as has been held by Hon'ble the Apex Court in case ***State of M.P. Vs. Kashiram and others 2009 (1) R.C.R. (Criminal) 956.***

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on record.

Petitioner was not owner of the car. As per the contents of the FIR, three unknown persons, while travelling in the car, hit the police barricade but no injury was caused to any person. Co-accused of the petitioner namely Sandeep Singh, who is the owner of the car, has been released on regular bail on 30.05.2017 after a period of three months only. Admittedly, it is not a case of grievous injury for attracting Section 307 IPC and intention is a matter of evidence which shall be tested by the trial Court during course of the trial. By considering parity with co-accused Sandeep Singh and the custody since 15.10.2018, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

26.02.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No