

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

CRM-M-5126-2019
Date of decision: 09.07.2019

Kulwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. M. S. Bajwa, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 73 dated 26.05.2018, registered under Section 325 IPC (Section 308 IPC added later on) at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner is in judicial custody since 02.06.2018 and the case is still at the stage of recording prosecution evidence and since the statements of the complainant and material witnesses have already been recorded, there is no possibility of tampering with the prosecution evidence.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and it was a case of sudden provocation, in which, as per the allegations in the FIR, the petitioner has caused injury on the head of the complainant's son with a brick.

Learned counsel for the petitioner further submits that it will be

a debatable issue whether the offence under Section 308 IPC is made out or not.

Learned State counsel, on instructions from ASI Rajbir Singh, has not disputed the factual position and submitted that five prosecution witnesses including the complainant have already been examined.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 02.06.2018; he is not involved in any other case and also in view of the fact that trial is likely to take a long time to conclude, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

09.07.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No