

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

201 (2 cases)

Date of Decision : 15.01.2019

1) CRM-M No.1405 of 2018

Sukhwinder Sharma @ Kala Pandit Petitioner

Versus

State of Punjab Respondent

2) CRM-M No.2882 of 2018

Sony Singh and others Petitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. K.S. Sidhu, Advocate
for the petitioner(s).

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Mikhail Kad, Advocate
for the complainant.

AJAY TEWARI, J. (ORAL)

These are two petitions filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner(s) in case FIR No.152 dated 22.10.2017 registered under Sections 341, 323, 148, 149 IPC and Section 308 IPC (added later on) at Police Station Moonak, District Sangrur. Since the issue involved is same both the petitions are decided by the common order.

It is noteworthy to mention here that interim bail was granted to

the petitioner(s) in January, 2018. Thereafter, the trial has commenced and 5 witnesses have been examined including the complainant. Counsel for the petitioner(s) has argued that this is a case where injuries were caused by blunt weapons on non-vital part i.e. leg and prays that the interim bail be extended in view of the fact that the trial has already commenced.

On the other hand, learned Sr. DAG on instructions from ASI Mithu Ram, P.S. Moonak and the counsel for the complainant have argued that the leg of the complainant had to be amputated because of the injuries caused to him and 3 of the accused were arrested but have been released on bail. They have further argued that in view of the seriousness of the consequences which the complainant has had to face the bail should not be granted.

In my considered opinion, once the investigation is over and the trial has begin, it would not be appropriate to cancel the interim bail. In case the petitioner(s) are found guilty they would be subjected to adequate punishment. Resultantly, the petitions are allowed. Interim order dated 16.01.2018 passed in CRM-M No.1405 of 2018 and interim order dated 25.01.2018 passed in CRM-M No.2882 of 2018 are made absolute.

Since the main cases have been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

January 15, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No