

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-1431-2018

Date of Decision: March 20, 2019

Kuldeep Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Ms. Jasmandeep, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in case registered vide FIR No.08 dated 13.02.2016, under Sections 302, 323, 148, 149 IPC, at Police Station Valtoha, District Tarn Taran.

The FIR was lodged at the instance of Harpal Singh, wherein it has been alleged that on the day of occurrence, the complainant's father was attacked by the accused outside his house. It is alleged that accused Bassi and Lalli raised '*Lalkara*' exhorting that Ram Singh (deceased) be caught and taught a lesson for restraining them from sitting in front of their shop. Gurpreet Singh is alleged to have given a blow with a base ball bat hitting complainant's father on his head. Sewa Singh gave a blow with wooden

handle of *Kahi* on the neck of complainant's father as a result of which he fell down. Kuldeep, Bassi and Lalli caused injuries to complainant's father with their respective weapons. While Kuldeep is stated to be armed with *Datar*, Bassi and Lalli were carrying *Dangs*. When complainant's brother Inder Singh came forward to rescue his father then Kuldeep caused injuries with *Datar* on his head as well as on his back. When the complainant raised alarm, the accused fled away with their weapons. Although the complainant's father Ram Singh was removed to Civil Hospital but he succumbed to his injuries and could not survive.

Learned counsel for the petitioner has submitted that the petitioner Kuldeep Singh is not attributed any injury to the deceased and is alleged to have caused injury to complainant's brother and that in any case all the injuries found on the body of complainant's brother are simple injuries with a blunt weapon. It has further been submitted that co-accused Lalli, Bassi and Sewa Singh have already been granted bail and in these circumstances the petitioner deserve the concession on the ground of parity as well.

Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and was armed with *Datar*, no case for grant of regular bail is made out. It has further been informed that the petitioner has been in custody since last 3 years and 22 days

and that although 4 PWs out of cited 19 PWs have been examined, but now *de novo* trial is to commence consequent upon summoning of an additional accused Sewa Singh with the aid of Section 319 Cr.P.C.

Having regard to the aforesaid facts and circumstances of the case especially that the petitioner has been behind the bars since last more than 3 years, and that non *de novo* trial has commenced, in my opinion no useful purpose would be served by further detaining the petitioner behind bars.

The petition, as such, is accepted and petitioner-Kuldeep Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

March 20, 2019
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[GURVINDER SINGH GILL]
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No