

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.217

CRM-M-10081-2019 (O&M)

Date of decision : 11.3.2019

Bakhshish Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Satnam Singh Gill, Advocate for
Mr. BS Baath, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

Mr. A.S. Manaise, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in a complaint case No.150 dated 13.6.2016, filed under Sections 302/34 IPC, titled as Joginder Singh Vs. Bakhshish Singh etc. pending in the Court of Sessions at Gurdaspur.

Learned counsel for the petitioner submits that an FIR was got registered by the petitioner against persons belonging to the party of the complainant inter alia under Section 307 IPC. Thereafter, a DDR was registered against the petitioner and the co-accused under Section 302 IPC. During the course of investigation, the police has submitted a cancellation report in the DDR as according to its investigation the petitioner and his co-accused acted in self-defence. Co-accused Kulwant Singh and another have been granted regular bail by this Court vide order dated 22.1.2019 passed in CRM-M-1984-2019 and thus, the petitioner may be released on regular bail.

Custody certificate dated 9/11.3.2019, by way of affidavit of Sh. Satnam Singh, Deputy Superintendent, Central Jail, Gurdaspur, has been filed by the learned State counsel in Court and the same is taken on record.

According to this certificate, the petitioner has undergone actual custody of 04 months and 21 days and there is no other criminal case pending or decided against him.

The factual submissions made by counsel for the petitioner have not been controverted by learned State counsel as well as counsel for the complainant. It is, however, stated that the petitioner is the main accused and therefore, he does not deserve the concession of regular bail.

From the arguments raised by counsel for the parties, it transpires that the petitioner allegedly caused the death of Baljit Singh @ Balla in self-defence. Co-accused have already been granted regular bail by this Court vide order dated 22.1.2019 passed in CRM-M-1984-2019. The trial is still at the initial stage and the same is not likely to be concluded at an early date in near future. Thus, the petitioner deserves to be released on regular bail. Accordingly, the petition is allowed and petitioner-Bakhshish Singh, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

11.3.2019
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No