

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

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**Crl.Misc. No.M-39727 of 2018
Decided on: 20.3.2019**

Sukhpal Singh @ Sunny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Amit Kumar, Advocate, for the petitioner

Mr. Amit Mehta, Senior DAG, Punjab

Daya Chaudhary, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.68 dated 11.4.2017, under Sections 307, 452, 323, 324, 506, 427, 148 and 149 IPC, registered at Police Station Sadar Ludhiana, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. As per allegations in the FIR, the petitioner and his co-accused Harpreet Singh @ Happy along with two-three more boys entered the shop of the complainant and hit him, his father, grand father and Kulwinder Singh while carrying swords and base-ball bats. No other person got any injury other than the complainant and Kulwinder Singh. As per the allegations in the FIR, the petitioner gave a sword blow on the head of the complainant, and he managed to escape but it hit on his right hand. There are total 16 prosecution witnesses but none has been examined. The petitioner is in custody since 13.7.2017.

One co-accused was declared proclaimed offender who subsequently has expired. Co-accused, namely; Harpreet Singh @ Happy has been released on regular bail vide order dated 7.2.2018 passed in CRM-M No. 43180 of 2017. The trial may take time in final conclusion and no useful purpose would be served by keeping the petitioner behind the bars as complainant is not coming forward to get his statement recorded as he has gone out of country.

Learned State counsel has not disputed custody of the petitioner, status of the trial and release of the co-accused on regular bail but opposed grant of bail.

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

Keeping in view the custody of the petitioner since 13.7.2017 and also the fact that co-accused, namely; Harpreet @ Happy has already been released on regular bail, injury attributed to the petitioner is simple in nature, the trial may take some time to conclude, even a single witness has not been examined and the complainant is not coming forward to get his statement recorded as he has gone abroad which shows lapse on the part of the complainant. Accordingly, the present petition is allowed. Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(DAYA CHAUDHARY)
JUDGE

20.3.2018
Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No