

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19692-2019 (O&M)
Date of Decision:-8.5.2019

Amrik Singh @ Mikka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mukesh Kumar Bhatnagar, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.228 dated 30.8.2016 registered at Police Station Sultanwind, Amritsar under Section 326-A of Indian Penal Code, 1860.

The FIR was registered at the instance of Jaswinder Singh @ Bunty, wherein it has been alleged that Baldev Singh Deba owed an amount of ₹1 lac to him and that on 29.8.2016 at about 10:30 PM, when he alongwith his conductor Balwinder Singh @ Sandy went to said Baldev Singh Deba and demanded his money back, Amrik Singh @ Mikka, brother of Baldev Singh Deba, started hurling abuses and when he tried to restrain him from doing so, said Amrik Singh @ Mikka poured flammable material on his body and on the body of said conductor from a jug and resultantly the

complainant and his conductor had sores on their body and felt burning sensation.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact subsequently the complainant Jaswinder Singh @ Bunty as well as his wife Amarjit Kaur, Baldev Singh Deba and Bhajoo have been summoned as additional accused with the aid of Section 319 Cr.P.C. and now the trial has started afresh. It has been submitted that since the petitioner has been behind bars since the last more than 2½ years and a *de-novo* trial has started, he deserves the concession of bail.

Opposing the petition, the learned State counsel has submitted that in view of the serious nature of allegations, no case for grant of bail is made out.

Having considered rival submissions addressed before this Court and bearing in mind the aforestated facts especially that in the present case, the complainant himself has been arrayed as an accused and now a *de-novo* trial has started after about 2½ years, in my opinion, further incarceration of the petitioner is not justified. The petition, as such, is accepted and the petitioner Amrik Singh @ Mikka is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

8.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No