

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-20839 of 2019

Date of Decision: May 14, 2019

Shankar Dass

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vishavjeet Singh Rishi, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 55 dated 27.05.2018 under Sections 307, 323, 324, 354, 148 and 149 IPC, Police Station Daroha, District Khanna, District Ludhiana.

The present case was got registered by Deedar Singh alleging that on 26.05.2019 in late evening around 08.30 p.m., accused, namely, Kartoos, Rajan, Shankar, Jyoti and Panna armed with kirpans, Ravi armed with danda and Laddi armed with sariya

attacked the complainant side. Accused Kartoos is attributed a kirpan blow on the left hand of the little finger of the complainant whereas accused Rajan is attributed a blow with kirpan on the head of Simranjit Singh whereas accused Ravi is attributed a blow with danda on Dilbagh Singh hitting him on the right elbow following attack by accused Laddi by means of sariya hitting Chamkeela Singh. Thereafter, it is alleged that non-applicant Jyoti armed with kirpan attacked Jaswinder Singh brother of the complainant hitting him on the left wrist followed by an assault by accused non-applicant Panna and Gurdeep Singh @ Kali who torn off the clothes of Kulwinder Kaur. Consequent upon registration of the present case, the petitioner was declared as proclaimed offender and, subsequently, arrested on 18.02.2019 and since then he is in custody.

Counsel for the petitioner *interalia* contends that the petitioner is behind the bars since a long time and a bare perusal of the allegations reveals that no role is attribute to the petitioner in the commission of offence and he is only a silent spectator and, thus, has prayed for grant of bail.

Mr. Saurav Khurana, DAG, Punjab assisted by ASI Mohinder Pal, Police Station Doraha though does not in any manner refute the facts that have been brought to the notice of the Court but has opposed the grant of bail by alleging that offences under Section 307 etc. have been slapped and, therefore, in view of the heinousness

of the offence, petitioner is not entitled to any bail.

Going through the submissions of the two sides, the own stand of the State that no role is attributed to the petitioner in the commission of the offence except that he was present there at that time. Furthermore, to the specific query of this Court, learned State counsel submitted that there is no medical evidence to support that any of the injury on the person of the complainant side was in any manner categorized to be dangerous to life, thus, a debatable issue arises over the applicability of Section 307 IPC and which can only be adjudicated at the time of the trial and that no useful purpose will be served by keeping the petitioner behind the bars and the trial is not likely to be concluded in the near future, this Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

May 14, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No