

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-26623 of 2019 (O&M)

Date of decision: 05.07.2019

Sukhwant Singh @ Suka @ Sukha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. PBS Goraya, Advocate
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. AG, Punjab.

Mr. A.N. Walia, Advocate
for the complainant.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant regular bail in (Cross Rapat No.27 dated 01.04.2019) FIR No.52 dated 01.04.2019 under Sections 457, 307, 392, 511, 148, 149, 120-B, IPC, Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner had exercised right of self-defence as the deceased had entered the house of the aunt of the petitioner. He further submits that in fact, first FIR was registered by the aunt of the petitioner on the intervening night of 31.03.2019/01.04.2019 whereas on the next day, cross case was registered. He further submits that as per the first version given by the aunt of the petitioner, in fact the petitioner was grappling with the trespasser (deceased Rahul) and Mukesh and Paras came inside to help the alleged trespasser and

it is Mukesh who wanted to hit the petitioner but due to grappling by mistake, hit the deceased Rahul. Hence, he submits that no offence against the petitioner is made out.

On the other hand, learned State counsel has submitted that the petitioner is involved in a heinous crime and therefore, he should not be released on bail. Learned counsel appearing for the complainant has supported the case of the State.

On being asked, learned State counsel, on instructions from ASI Kewal Singh, has submitted that the investigation is complete and the challan has been presented. It is debatable whether the petitioner exercised his right to self-defence proportionately or not. The incident is at the residence of aunt of the petitioner and the deceased had no occasion to be present in the house at that midnight on 12.00 PM.

Without commenting on the merits of the case and keeping in view the fact that the trial of the case is likely to take a long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

Accordingly, the present petition is allowed.

05.07.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

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