

224.

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

CRM-M-35697-2019

Date of decision: 18.10.2019

VARINDER SINGH @ LALLI

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Preetinder S. Ahluwalia, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.22 dated 07.02.2019 registered under Sections 302, 354, 323, 34 of IPC at Police Station Passiana, District Patiala.

Counsel for the petitioner has argued that there is no allegation against the petitioner so far as the offence under Section 354 IPC is concerned as the said allegation, if any, is against the co-accused Gurpreet Singh. Similarly, the petitioner has not caused any injury on the person of deceased-Baljit Singh as he has suffered only one injury i.e. lacerated wound, size 6 cm x 1 cm x bone deep, present obliquely over the right side of the head over parietal region, 1 cm from mid line and 16 cm above the middle of the right eyebrow. Margins are irregular and contused. Even this injury has been attributed to the co-accused Gurpreet Singh. The only

allegation against the petitioner is that he has raised *lalkara*. He states that the petitioner is in custody since 13.02.2019. Challan in the case has been presented and even charge has been framed. The deceased died because of single injury. After framing of the charge, the case has been fixed before the trial Court for prosecution evidence on 11.09.2019 and 30.09.2019 and now is fixed for 06.11.2019. On 11.09.2019 & 30.09.2019, no prosecution witness was examined and in this manner, trial is likely to take sufficient time.

Learned State counsel, on instructions from ASI Gurdeep Singh, does not dispute the custody and the injury inflicted on the person of the deceased-Baljit Singh. However, he states that the petitioner has participated in the crime which led to the death of Baljit Singh and his role has duly been described in the FIR.

I have heard counsel for the parties.

As per the PMR, there is only one injury on the person of deceased and that injury has been attributed to the co-accused Gurpreet Singh and the allegation for the offence under Section 354 IPC is also on Gurpreet Singh. The petitioner is in custody since 13.02.2019 and on 11.09.2019 and 30.09.2019 when the case was fixed for prosecution evidence, no prosecution witness was examined and in this manner, trial in the case is not likely to be concluded in the near future.

Considering the fact that the petitioner is in custody since 13.02.2019 and trial in the case will take sufficient time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

18.10.2019

sanjeev	Whether speaking/reasoned?	Yes/No
	Whether reportable?	Yes/No