

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

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CRM-M No.39569 of 2019 (O&M)
DATE OF DECISION : 7th DECEMBER, 2019

Shingara Singh Nihang

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

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

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present third petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.101 dated 31.12.2018 registered under Sections 307, 353, 186, 332, 333, 171-C, 427, 148 & 149 of the IPC, at Police Station Sadar Rajpura, District Patiala.

It is contended by counsel for the petitioner that the case against the petitioner has been created by taking a lopsided view of the incident. In fact, the side of the petitioner had won the election in the village Panchayat. The police party tried to destroy the result/record of the said election. When the people of the village resisted that, the police ran the vehicle over the person present there. In the process, one Bhupinder Singh from the side of the petitioner; had got both bones of the left leg broken because of being run-over by the police vehicle. However, the police have not even recorded that version of the complainant. The version of the complainant is supported by the entire

Panchayat of the Village. Still further, it is submitted that the petitioner is in custody since 10.01.2019. Although, the charge has been framed, however, the material witnesses have not been examined by the prosecution so far. In any case, the petitioner is not required for any further investigation. Out of 26 witnesses only 03 have been examined so far. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, counsel for the State, on instructions from ASI Kuldeep Singh, submits that the petitioner had attacked the police party. Serious injuries have been caused to the driver of the police vehicle. However, it is not disputed that the petitioner is in custody since 10.01.2019 and out of 26 witnesses only 03 have been examined so far. It is also not disputed that the injured witnesses have not been produced before the court so far.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/sureties to the satisfaction of the trial Court/Duty Magistrate.

7th DECEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>