

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

**CRM-M No. 45007 of 2019
Date of Decision:-29.10.2019**

Davinder Singh @ Kalu @ Harwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

MANOJ BAJAJ J.(Oral)

Petitioner-Davinder Singh @ Kalu @ Harwinder Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 56 dated 19.4.2018, under Sections 307, 323, 325, 34 IPC (later on Section 325 IPC added), registered at Police Station Jandiala, District Amritsar. The petitioner is in custody since his arrest on 22.12.2018.

The FIR was registered on the statement of Sharanjit Singh to the effect that on 18.4.2018, he alongwith Yadwinder Singh was coming on the motor-cycle to pay obeisance at Golden Temple and parked the vehicle near Bika Bakery Bus Stop Daduana. Thereafter they boarded the bus.

Accused Amritpal Singh, Ravinder Singh and Davinder Singh were already present in the bus. When the bus moved at a distance of one kilometer, then Amritpal Singh got the bus stopped. Three unknown persons boarded the bus. Accused Amritpal Singh, who was armed with iron rod, inflicted injury on the head of Yadwinder Singh. He gave another blow on Yadwinder Singh, which hit below his left eye. Davinder Singh alias Kalu and Ravinder Singh alias Rinda also gave baseball bat blow on the head of the complainant and in order to ward off the blow, he raised his left arm and received the blow on his arm. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He contends that after completion of investigation, the challan was filed and thereafter charges have also been framed and out of total 13 prosecution witnesses, seven witnesses have been examined. He further contends that the material witnesses i.e. complainant-Sharanjit Singh and the victim/injured Yadwinder Singh have already been examined. Learned counsel points out that co-accused Amritpal Singh has been extended the concession of regular bail by this Court vide order dated 18.7.2019 passed in CRM-M-29326-2019.

On the other hand, learned State counsel, who is assisted by HC Rajwinder Singh opposed the prayer. However, it is not disputed that the material witnesses i.e. the complainant and victim/injured have already been examined and co-accused Amritpal Singh has been extended the

concession of regular bail by this Court.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume more time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Amritsar.

The petition is allowed.

October 29, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No