

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

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**CRM-39113-2019 in/and
CRM-M-47762-2019(O&M)
Date of decision :11.12.2019**

SANDEEP SINGH ALIAS MAL AND OTHERS

.....Petitioners

versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Riffi Birla, Advocate
for the applicant-petitioners

Mr.SPS Tinna, Addl.A.G.,Punjab

ANIL KSHETARPAL, J. (ORAL)

CRM-39113-2019

Application is allowed.

Annexures P-6 and P-7(Colly) are taken on record.

CRM-M-47762-2019

Petitioners pray for grant of regular bail pending trial in a criminal case arising out from FIR No.196, dated 08.08.2019, registered under Sections 308/341/323/506/148/149 IPC, at Police Station Sadar Fazilka, District Fazilka.

As per the case of the prosecution, Joginder Singh, a policeman employed with Home Guard has lodged the case alleging that the petitioners along with their co-accused had attacked him suspecting that the first informant-victim was instrumental in getting the FIR under Section 376 IPC registered against Balbir Singh @ Billu and Baljit Singh @ Babbu and caused injuries. Sandeep Singh is alleged to have given 'Punch" blows on the back side of his head.

Learned counsel for the petitioners have drawn attention of the Court to the Medico Legal Report, Annexure P-6, according to which the injured had suffered following injuries:-

*“1) Lacerated wound of size 4x9 cm present over Lt. Occipital region and suturing and dressing done outside.
2) Lacerated wound of size 2.5 cm x 2 cm present over right feet. Suturing and dressing done outside.
3) Abrasion present over left forearm Inv. Adv.- C.T.- Head/X-ray Chest-C.T.- Chest.
:- RTA-Head Injury, Chest Injury
Nature of Injuries:- Dangerous
The kind of Weapons used:-
Poison suspected in case of poisoning:-
Probable duration of injuries:---”*

Learned counsel for the petitioners while drawing attention of the court to Annexure P-7 (Colly) has submitted that in fact alleged victim had suffered injuries in a road side accident but subsequently it has been converted into a different case.

On the other hand, learned counsel for the State has submitted that the petitioners are guilty of having committed heinous crime against the police official. He fairly submits that the previous FIR against Balbir Singh @ Billu and Baljit Singh @ Babbu is sought to be got cancelled as the DNA profile did not match.

Petitioners are in custody for approximately more than 3 months. Investigations are complete. Police report as required under Section 173 Cr.P.C. has been filed.

Learned counsel for the State, on instructions from, ASI Gurmail Singh has informed the court that the petitioners do not have any criminal record.

Without commenting on the merits of the case and keeping in view the fact that the petitioners are in custody for more than 3 months and

the trial of the case is likely to take long time, the petitioners are directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

December 11, 2019

(ANIL KSHETARPAL)

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JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No