

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48216-2019

Date of Decision: 19.11.2019

Manga @ Surjit Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

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Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.165 dated 21.09.2019, registered under Sections 323, 325 and 34 IPC and offence under Section 307 IPC was added later on, at Police Station Adampur, Jalandhar. He is in custody since his arrest on 23.09.2019.

The FIR in the present case was registered on the statement of Gurdeep Singh, wherein it was stated that on 22.08.2019, Preeti had small dispute with her husband (Satwinder Singh), who is nephew of the complainant, whereby Preeti had called her family members on phone and from her side her brothers Sukha Singh and Amritpal Singh @ Sonu, Chacha Manga @ Surjit Singh (petitioner) and her father Paramjit Singh came to the house of Satwinder Singh. Amritpal Singh @ Sonu gave a khanda blow on the head of Balbir Kaur (mother of Satwinder Singh) and Sukha Singh gave a blow of screw driver in her stomach. When the complainant was coming after filing the complaint of above said incident then Sukha Singh gave a bat blow upon his head and Manga @ Surjit Singh gave a blow of reversed side of datar on his left leg.

Learned counsel for the petitioner contends that the niece of the

petitioner, namely, Preeti has a matrimonial dispute with her husband Satwinder Singh and litigation between them is pending. He submits that initially the FIR was registered for the offences punishable under Sections 323, 325 and 34 IPC and later on an offence punishable under Section 307 IPC was added. He submits that the said injury inviting the offence punishable under Section 307 IPC is not attributed to the petitioner. It is pointed out that the petitioner is confined in judicial custody and his further detention may not be justified.

On the other hand, learned State counsel assisted by ASI Sukhwinder Singh has opposed the prayer. However, he does not dispute this fact that the petitioner did not cause the said injury inviting the punishment under Section 307 IPC as it is attributed to co-accused Amritpal Singh @ Sonu. He further contends that co-accused Sukha Singh has been extended the concession of pre-arrest interim bail vide order dated 18.10.2019 passed by this Court.

Considering the above background; the custody period of the petitioner and the fact that the trial is likely to consume more time, this Court is of the opinion that further detention of the petitioner may not be justified. Resultantly, 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 concerned.

The petition is allowed.

19.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE