

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

CRM-M-48654-2019
Date of decision: 21.11.2019

Amandeep Singh @ Prince

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. S. Ahluwalia, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 163 dated 02.08.2019, registered under Sections 307, 323, 341, 506 and 34 of the IPC at Police Station Tripri Patiala, District Patiala.

Learned counsel for the petitioner relies upon order dated 20.11.2019 passed in CRM-M-48476-2019, wherein co-accused Surinder Pal has been granted concession of regular bail by passing the following order:

“Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Kiranjit Singh, it is stated that on 01.08.2019 at about 04.00 PM, when he was going to his home on a motorcycle, Amandeep Singh stopped him and started abusing. Thereafter, Amandeep Singh called his friend and attacked on the complainant.

Learned counsel for the petitioner further submits that as per the version in the FIR, one unidentified person

gave a stick blow on the right arm of complainant and Amandeep Singh gave two blows with a Gandasi which hit on the head of complainant and thereafter, when the complainant raised voice, the accused persons ran away.

Learned counsel for the petitioner further submits that the petitioner is not named in the FIR and even as per the allegations, the stick blow given by the unidentified person hit on the non-vital part of the body. It is further submitted that even the injuries sustained by the complainant were declared simple in nature by the doctor; the investigation is complete and *challan* stands presented.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 04.08.2019 and he is not involved in any other case.

Learned State counsel, on instructions from ASI Charan Singh and on the basis of the custody certificate filed today in Court, has not disputed the factual position and submitted that co-accused Amandeep Singh has been arrested and he is in judicial custody.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 04.08.2019; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.”

Learned counsel for the petitioner further submits that allegation against the petitioner is that he has given two *gandasi* blows on the head of the complainant, however, as per medical report, the kind of weapon used was blunt and all the injuries sustained by the complainant

were found to be simple in nature.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 05.08.2019; *challan* stands presented and it will take a long time in conclusion of the trial.

Learned State counsel filed custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 03 months and 15 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 05.08.2019; he is not involved in any other case; co-accused has already been granted concession of regular bail by this Court as noticed above and also in view of the fact that conclusion of the trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

21.11.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No