

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

CRM-M No.128 of 2019

Date of Decision: 05.03.2019

Darshan Singh

....Petitioner

Versus

State of Punjab and another

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Kamaldip Singh Sidhu, Advocate
and Mr. Amardeep Singh, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G., Punjab.

Mr. Amandeep Saini, Advocate
for respondent No.2-complainant.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner, namely, Darshan Singh in case FIR No.58 dated 13.08.2018 registered under Sections 307, 452, 323, 148, 149 IPC and Sections 25/27 of the Arms Act, 1959 at Police Station Ballianwali, District Bathinda and later on the offence under Section 34 of the IPC and Section 3 (2)(V) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been added and offence under Sections 452, 148 and 149 of the IPC were deleted.

Learned counsel for the petitioner submits that neither the name of the petitioner was mentioned in the FIR nor any role was attributed to him. There was no allegation of causing any injury. Subsequently, on the basis of supplementary statement of Bittu Singh-injured, the name of the petitioner has been mentioned and the role has been specified. Petitioner is

in custody since 20.10.2018. Co-accused of the petitioner, namely, Bharpur Singh filed **CRM-M No.46730 of 2018** and he has been released on regular bail vide order dated 14.12.2018. It is a case of version and cross-version. Some of the sections have subsequently been deleted.

Learned State counsel has not disputed the role of the petitioner; the custody and release of co-accused Bharpur Singh on regular bail.

However, learned counsel for the complainant has opposed grant of bail to the petitioner on the ground that his name was specifically mentioned in the supplementary statement.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

By considering the parity with co-accused Bharpur Singh and also the fact that initially the name of the petitioner was not mentioned and no role was attributed to him; only on the basis of supplementary statement made by injured-Bittu Singh, which was recorded after a period of one month and the petitioner has been implicated, the present petition is allowed and petitioner, namely, Darshan Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

05.03.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No