

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

104

CRM-M-7005-2020

Date of decision: 20.03.2020

Sukhchain Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kulwinder Singh, Advocate for
Mr. Rajbir Singh, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.285 dated 30.10.2019 under Sections 458, 323 and 506 read with Section 34 of the Indian Penal Code, 1860 registered at Police Station Sadar Dhuri, District Sangrur.

The above said FIR was registered on statement of complainant Gurprit. In his statement, Gurprit alleged that on 28.10.2019, he was talking with Amrik Singh in his house. His driver Sandeep Singh was washing the car in the courtyard. At about 08:00 P.M., Sukhchain Singh and Gurmel Singh armed with iron rods coupled with two unknown persons armed with rope and iron rod trespassed into his house. Sukhchain Singh abused Sandeep Singh and exhorted to teach them a lesson. Sukhchain Singh gave blows of iron rod on left arm of Sandeep Singh. Unknown person put the rope into neck of Sandeep Singh and dragged him. He together with Amrik Singh went

forward to rescue him. Sukhchain Singh gave an iron rod blow on his head. Unknown person also inflicted injuries on the person of Amrik Singh. When they raised alarm his mother Balwinder Kaur and sister-in-law Narinder Kaur reached the spot on which the accused fled away with their respective weapons but while leaving criminally intimidated them.

The petitioners, who are in custody since 15.01.2020, have filed the present petition for grant of regular bail.

Learned State counsel has appeared and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated due to dispute regarding passage and tubewell. Injury attributed to petitioner No.1 was declared to be simple and no injury is attributed to petitioner No.2. With the intervention of the respectables compromise dated 27.01.2020 has been effected between the parties. No useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State counsel has argued that the in view of gravity of offences the petitioners do not deserve the grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioners, factum of compromise between the parties and the fact that no useful purpose will

be served by further detention of the petitioners in custody but without commenting on merits of the case, I am of the considered view that the petitioners deserve the concession of regular bail.

Therefore, the petition is allowed and the petitioners are ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

20.03.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No