

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

CRM No.12749 of 2020 in/and
CRM-M-11630 of 2020

Date of Decision :23.06.2020

Simran Singh ...Petitioner

Versus

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice B.S.Walia

Present: Mr.Kamaljeet Singh Brar, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

B.S.WALIA, J. (VC)

Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

CRM No.12749 of 2020

This is an application under Section 482 for mention of Section 326 IPC instead of Section 323 IPC in the main petition in addition to Sections 324 and 34 IPC.

Prayer made in the application is not opposed to by the learned Senior DAG, Punjab.

After hearing learned counsel for the parties, the application is allowed and Section 323 IPC mentioned in the main petition is ordered to be read as Section 326 IPC.

CRM-M-11630 of 2020

[1] Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.218 dated 03.12.2019, registered under Section 326 (corrected vide order in CRM-12749 of 2020), 34 of IPC added subsequently at Police Station Sadar Faridkot, District Faridkot.

[2] Learned counsel contends that the FIR was registered on the complaint of one Manjinder Singh, against the petitioner and against all members of his family. However, as per the allegations, there is no injury attributed to the petitioner except for *lalkara*. In fact it is the petitioner and his family members, who sustained injuries at the hands of the complainant party who forcibly entered the house of the petitioner and that the petitioner is in judicial custody since 24.01.2020, whereas co-accused, Darshan Singh, against whom similar allegations have been levelled, has already been granted concession of anticipatory bail vide order dated 20.02.2020, in CRM-M-7736 of 2020. Besides challan has already been presented in the case, there are 15 prosecution witnesses but no prosecution witness has been examined and the case is now fixed for 30.06.2020., that trial of the case is likely to take considerable period of time to conclude, therefore, no useful purpose would be served by keeping the petitioner in custody.

[3] Learned Sr. DAG, Punjab, does not dispute the fact that there is only attribution of *lalkara* to the petitioner, no injury is attributed

to the petitioner, challan has already been presented, there are 15 witnessesbut none has been examined so far.

[4] In the light of the position as noted above as also the prevailing pandemic of Covid-19., the petition for regular bail is allowed Accordingly, the petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the learned CJM/trial Court/Duty Magistrate concerned.

(B.S.WALIA)
JUDGE

23.06.2020
rajneesh/rajesh

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