

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-12255 of 2020

Date of Decision: May 13, 2020

Bharat Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. P.S. Sekhon, Advocate
for the petitioner

Mr. Dhruv Dayal, Sr. DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 83 dated 19.05.2019 under Sections 307, 323, 324, 341, 506, 148, 149 IPC (Section 307 IPC substituted with Section 326 IPC later on) at Police Station Sadar Sangrur, District Sangrur. However, challan has been presented under Section 307 IPC as well.

The incident of 19.05.2019 resulted in injuries to one Mandeep Singh and two others leading to registration of the FIR.

Learned counsel for the petitioner submits that the petitioner has not been attributed Section 307 IPC injury. It is alleged that the petitioner inflicted a blow with a sword on the left arm of Mandeep Singh, which has resulted in Section 326 IPC injury. The incident took place on account of an election dispute and the petitioner has been falsely involved. All the cousins of the main accused have been involved. The petitioner has been in custody since 11.02.2020. The challan stands presented on 09.05.2020 and the trial is not likely to be concluded at an early date, thus, the petitioner may be granted regular

bail.

Learned State counsel submits that the petitioner caused an injury with a sharp edged weapon i.e. sword. The same is a serious injury and it disentitle the petitioner to any concession of bail in law. The petitioner is also an accused in FIR No. 145 dated 31.12.2018 and is a habitual criminal. In the present case he evaded arrest and P.O. proceedings were initiated against him but he surrendered himself on 10.02.2020. Thus, the petitioner does not deserve to be granted regular bail.

Regarding FIR No. 145 dated 31.12.2018, learned counsel for the petitioner submits that the said FIR was also registered on account on an election dispute. The provisions involved were Sections 353, 186, 506 IPC and Section 124 of the Punjab Election Commission Act, 1994. None of it is a very serious offence. The petitioner is a victim of rivalries and in view of the fact that the challan already stands presented, no useful purpose would be served by keeping him in custody indefinitely.

From the submissions of learned counsel for the parties, it is evident that the petitioner has been attributed a sword blow on the left arm of Mandeep Singh. The injury caused by the said blow can not be said to be an injury dangerous to life. The registration of an earlier FIR No. 145 dated 31.12.2018 establishes that the petitioner is active in village politics and, thus, his wrongful inclusion in the FIR can not be ruled out. The trial is not likely to be concluded at an early date as the challan has been presented only on 09.05.2020. The fact that the P.O. proceedings had been initiated against the petitioner would normally have gone against him but in view of the fact that he has been in custody for over three months now, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

May 13, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No