

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

212

CRM-M-20722-2020
Date of decision: 24.08.2020

Joga Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Mr. M.S. Nagra, Asstt. A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

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.20 dated 20.01.2020 registered under Sections 307, 323, 341, 506, 148, 149 and 201 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station City Kapurthala, District Kapurthala.

The above said FIR was registered on statement of complainant Sandeep Kaur @ Simmi who alleged that on 20.01.2020 at about 01:00 P.M., when she along with her friend Manpreet Kaur and driver Raj Kumar of car No.PB-09J-0313 were standing near petrol pump near Civil Hospital, Kapurthala, a car bearing No.PB-09-V-9411 came and stopped near them. Mehtab Singh armed with iron chain, Joga Singh (petitioner) armed with iron punch, Lucky armed with dasta kahi,

Gagan armed with datar, Nikka armed with datar and 4/5 other unknown persons armed with dangs gave blows with their respective weapons on head, right hand, right leg and back of Raj Kumar with an intention to kill him as a result of which he fell down on the ground. All the above said persons then ran away from the spot with their respective weapons.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

Learned State Counsel has appeared and opposed the petition and filed custody certificate through e-mail print out of which is taken on record. However, no reply has been filed by the respondent-State.

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

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. The petitioner is alleged to be armed with iron punch. No specific injury has been attributed to the petitioner. All the injuries on the person of Raj Kumar were declared to be simple in nature. None of the injuries on the person of Raj Kumar has been declared to be dangerous to life. Co-accused Mehtab Singh has already been granted regular bail vide order dated 14.08.2020 passed by this Court. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that in view of the gravity of accusation the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, non attribution of any specific injury to the petitioner, all the injuries on the person of injured- Raj Kumar being simple and parity with co-accused Mehtab Singh who has already been granted regular bail vide order dated 14.08.2020 passed by this Court coupled with the fact that the trial is likely to take long time but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.08.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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