

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41061-2020 (O&M)
Date of Decision:- 15.12.2020

Surjan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arshdeep Singh Brar, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.78, dated 16.5.2020, Police Station City South Moga, District Moga, under Sections 325, 323, 506, 148, 149 IPC (Sections 307 and 308 IPC added later on).
2. The allegations, in nutshell are that the petitioner alongwith his co-accused had caused injuries to Balbir Singh, Krishan Singh, Mahavir Singh and Parabhjot Singh.

3. Learned counsel for the petitioner has submitted that the injury attracting the rigors of Section 307 IPC is attributed to Puran Singh, which he had allegedly caused to Krishan Singh. The petitioner is attributed a blow from reverse side of '*Takua*' on the head of Balbir Singh, which has been declared as a simple injury. It has been submitted that other identically situated co-accused who are attributed simple injuries, namely, Shinder Singh, Jit Singh and Gurdeep Singh have already been granted regular bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is also attributed an injury, even though simple, no case for grant of bail is made out. He, however, has not disputed the fact that some other identically situated co-accused who are attributed simple injuries have already been granted regular bail. It has also been informed that petitioner as on date is behind bars since the last 4 ½ months and that he is not involved in any other case and that challan already stands presented.
5. Having regard to the aforestated position, wherein this Court finds that the petitioner is not attributed the injury which invites rigors of Section 307 IPC, which in fact is attributed to co-accused Puran Singh and that the petitioner is attributed simple injury like some of his co-accused, who had already been granted regular bail and while also noticing that the petitioner is behind bars since the last 4 ½ months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to

the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

December 15, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No