

**223-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41800-2020

Date of Decision: 17.12.2020

Pal Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. J.S. Mehndiratta, Advocate for the petitioner.

Mr. H.S. Sullar, D.A.G., Punjab.

Mr. Ankur Malik, Advocate for the complainant.

HARNARESH SINGH GILL, J. (Oral)

Case is taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.97 dated 04.10.2020 registered under Sections 307, 323, 324, 341, 427, 294, 506, 148, 149 of IPC, 1860 (Section 452 IPC added later on) at Police Station Mullanpur, District SAS Nagar.

Learned counsel for the petitioner states that the petitioner Pal Singh had a dispute with his real brother Netar Singh regarding the passage in front of the latter's house. It is further submitted that the only allegation against the petitioner is that he had attacked on the house with unknown persons and while standing outside, had pelted stones and bricks. Learned counsel further states that it is the case of version and cross-version. The son-in-law of the petitioner, namely, Inderjeet Singh got injured in the present case and he has filed an application under Section 156(3) Cr.P.C. before the Court concerned. Learned counsel further states that co-accused Jagtar Singh has already been granted

interim bail vide order dated 09.11.2020 (Annexure P-4) passed by this Court. It is further submitted that the petitioner has been in custody since 05.10.2020.

Learned State counsel assisted by the counsel for the complainant, states that there are specific allegations against the petitioner that he along with other accused had attacked the house of his brother Netar Singh and the mob of the accused was led by the petitioner. Still further, all the accused including the petitioner had caused injuries to the complainant party with the intention to kill them. However, he has not disputed the custody period of the petitioner.

I have heard learned counsel for the parties.

As noticed above, co-accused Jagtar Singh has already been granted interim bail by this Court vide order dated 09.11.2020. It is a case of version and cross-version and thus, it is yet to be ascertained on the basis of evidence as to which party was the aggressor. The petitioner has been in custody since 05.10.2020. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

17.12.2020

(HARNARESH SINGH GILL)
JUDGE

ps-I

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No