

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

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IN VIRTUAL COURT

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**CRM-M No. 54929 of 2019
Date of decision : 21.5.2020**

Sarabjit Singh @ Happy

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. H.S. Minhas, Advocate, for the petitioner

Ms. Monika Jalota, DAG, Punjab

Rajbir Sehrawat, J. (Oral)

This petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 104 dated 3.9.2019, registered under Sections 307, 323, 148 and 149 IPC, at Police Station Mehtiana, District Hoshiarpur.

It is contended by the counsel for the petitioner that the petitioner was not even present at the scene of the alleged occurrence. His name has wrongly been involved in the case. Still further, it is submitted that as per the allegations of the prosecution, the injury attributed to the petitioner is only a kick blow on the husband of the complainant when he had already fallen down. No serious injury is attributed to the petitioner. The petitioner is in custody since 3.9.2019. Even further, the side of the petitioner have also suffered injuries and filed a complaint, therefore, it is a matter of version and cross

version. The trial of the case is yet to start. The petitioner is not required for any recovery, discovery or any other investigation purposes.

On the other hand, learned counsel for the State, being instructed by SI Sewa Dass, submits that the petitioner was a direct participant in the incident. A specific injury has been attributed to him. The other accused, who have already been declared proclaimed offender, are yet to be arrested in this case. However, it is not disputed that the petitioner is in custody since 3.9.2019 and that the injury inviting Section 307 IPC is not attributed to the petitioner.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

21.5.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No