

Sukhwinder Singh @ Balwinder Singh @ Bindi ...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. N.S. Sidhu, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.109 dated 10.10.2020, registered under Sections 324, 323, 34 of IPC, 1860, to which Sections 307/326 IPC were added later on, at Police Station Balianwali, District Bathinda.

3. Learned counsel contends that the petitioner is innocent and has been implicated in a false case and in fact the complainant party had inflicted injuries on the person of co-accused, Ranjit Singh, who was admitted in Civil Hospital, Bathinda and in order to save their skin and to put pressure on the accused, they inflicted injuries on their person and got registered a false case against the petitioner. Learned counsel further contends that the injury attributed to the petitioner is a blow with

baseball bat on the left shoulder of the complainant and that the said injury is simple in nature, the petitioner has been in custody since 09.11.2020, challan has been presented but charges are yet to be framed, therefore trial is likely to take a long time to conclude, accordingly, no useful purpose would be served by keeping the petitioner in custody.

4. Learned Addl. AG, Punjab, on instructions from ASI, Sukhwinder Singh, states that the petitioner along with other accused had inflicted number of injuries on the complainant, out of which, one injury on the person of victim-Sukhdev Singh was declared dangerous to life while another injury near right arm on the person of complainant with *Kirpan*, has been declared grievous in nature. Learned Addl. AG, Punjab, however, concedes that the injury attributed to the petitioner is simple in nature, the petitioner has been in custody since 09.11.2020, challan has been presented though charges are yet to be framed besides the petitioner is not involved in any other case.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly, the injury attributed to the petitioner is simple in nature on account of blow by baseball bat on the left shoulder of the complainant while the injury dangerous to life and grievous injury is not attributed to the petitioner. The petitioner has been in custody since 09.11.2020, challan has been presented though charges are yet to be framed, thus, trial is likely to take a considerable period of time, therefore, no useful purpose would be served by keeping the petitioner in

custody.

7. Accordingly, in the light of position noted above, the petition for regular bail is allowed and the petitioner is ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail / surety bonds to the satisfaction of the learned CJM / Trial Court / Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall abide by the conditions contained in Section 437(3) Cr.P.C. However, it is made clear that in case the petitioner is involved in any other case during the period while he is on bail in the instant case or makes any attempt to tamper with the evidence or to intimidate or influence the witnesses, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

8. However, nothing stated hereinabove shall be taken as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

12.07.2021

'Rajesh'

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