

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

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CRM-M-22535-2021

Decided on : 24.06.2021

Malkiat Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Ms. G.K. Mann, Senior Advocate with
Ms. Varinder Kaur Warraich, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present petition filed under Section 439 Cr.P.C., seeks concession of regular bail in FIR No.107 dated 20.06.2018 under Sections 326, 506, 34 IPC and offence under Section 201, 307 IPC (added later on) registered at Police Station Lopoke, District Amritsar Rural (Annexure P-1).

Senior Counsel for the petitioner has contended that the petitioner is in custody since 23.12.2020 and has been attributed the single blow of *Kirch* on the left side of the chest of the complainant-Gursewak. It is submitted that the petitioner is aged around 20 years and the complainant is also of the same age. One of the co-accused namely Gobinda Singh @ Govinda Singh as such has been granted the benefit of anticipatory bail on 20.11.2019 in CRM-M-33489-2019 (Annexure P-2), whereas Harbans Singh @ Banso @ Basant Singh was granted the benefit of regular bail on 25.05.2021 in CRM-M-16591-2021 after undergoing custody of almost 5 months. It is submitted that final report under Section 173 Cr.P.C., has already been presented in the Court and it would take sometime for the trial to conclude.

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Counsel for the State has opposed the bail application on the ground that Section 307 IPC is also made out, which is opposed by the Senior Counsel by submitting that it would be a matter of debate as to whether the injury was of such nature which would cause death, which could be termed dangerous to life.

It is further submitted that the accused has been in custody since last more than 6 months and is a young boy and no other case of similar nature is pending against him, as per the custody certificate dated 24.06.2021.

Keeping in view above facts and without commenting upon the merits of the case, this Court is of the opinion that the petitioner is entitled for benefit of regular bail. Accordingly, the present petition is allowed. The petitioner shall be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Amritsar.

June 24, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No