

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

Sr. No. 220(2)

CRM-M No. 25488 of 2021

Date of decision : 11.10.2021

Kashmir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Surmeet Singh Sandhu, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Piyush Sharma, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 40 dated 17.05.2021 registered under Sections 307/323/324/506/148/149 IPC at Police Station Zira, district Ferozepur.

Briefly stated, the case of the prosecution is that the complainant, who is the petitioner's neighbour, had a dispute with the petitioner with regard to power cables going through their respective houses. As a result of such dispute, the petitioner along with his co-accused came to the house of the complainant and after abusing him inflicted injuries upon him which included injuries on his head.

Learned counsel for the petitioner submits that the petitioner has

been falsely implicated in this case at the behest of the complainant, who was his neighbour and inimical towards him; the petitioner has no other criminal case pending against him; investigation in this case is complete and therefore, the petitioner is not in a position to influence the same; no case under Section 307 IPC is made out against the petitioner as all the injuries on the complainant's person have been declared to be simple and that the petitioner's trial which is yet to begin will take long time to conclude.

Learned State counsel admits the fact that the injuries on the complainant's person have been declared simple but opposes the grant of bail to the petitioner on the ground that the petitioner and his co-accused inflicted as many as 7 injuries on the complainant's head and thus, they had intention to kill him. It is further submitted that since the petitioner and the complainant are neighbours, if the petitioner is released on bail, peace in the area may be disturbed.

The petitioner has been in custody since 23.05.2021; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same; all the injuries on the person of the complainant have been declared to be simple and that the petitioner's trial which is yet to begin is likely to take long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ferozpur the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and

the same would not be construed to be an expression of opinion on the merits of the case.

11.10.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No