

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

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**CRM-M-26036-2021(O&M)
Decided on :15.07.2021**

SUKHWINDER SINGH @ SUKH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr.V.K. Sandhir, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Gurmail Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the 2nd petition filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.123, dated 09.11.2018 under Sections 302, 307, 324, 148, 149 of the IPC read with Section 3 of the SC & ST Act registered at Police Station Sadar Gurdaspur.

On a pointed query put to the learned counsel for the petitioner as to what is the change in circumstances subsequent to withdrawal of the previous petition on 08.04.2021, he submits that 2 more witnesses have been examined out of total 17 prosecution witnesses.

Learned counsel contends that the petitioner has been in custody since 29.11.2018 and there is no likelihood of the trial concluding any time in the near future as only 05 witnesses stands examined as on date.

Learned counsel submits that even though the complainant did not suffer any injury and was fit throughout, still the FIR was lodged after 7 days of the occurrence, which leaves no manner of doubt that false

allegations have been levelled against the petitioner of inflicting injury with *kirch* on one of the witnesses and on the deceased. It has also been submitted that similarly situated co-accused i.e., Bikramjit Singh and Narinder Singh have been extended the concession of bail by this Court vide orders dated 03.10.2019 and 02.12.2020.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from ASI Gurmail Singh submits that the case of the petitioner is distinguishable from that of the co-accused, who have been extended the concession of bail as the petitioner has been attributed *kirch* blow on the chest of the deceased and on the abdomen of the witness. It has been submitted that the complainant stands examined who has supported the case of the prosecution.

Heard.

Prima facie, there are serious allegations levelled against the petitioner of inflicting *kirch* blows on the vital part of the body of the deceased and the injury received by the witness at the hands of the petitioner was opined to be dangerous to life.

In the circumstances, this Court does not deem it fit to grant the concession of bail to the petitioner. Dismissed. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 15, 2021

S.Sharma(syr)

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No