

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-33106 of 2020

Date of Decision: 07.01.2021

Sewak Singh alias Gursewak Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.83 dated 05.04.2020 under Sections 323, 341, 34 IPC and Section 307 IPC (added later on) registered at Police Station Lehra, District Sangrur.

Learned counsel for the petitioner has argued that the injury attracting Section 307 IPC is attributed to co-accused Kartar Singh, who is father of the petitioner. There is no medical report so as to make out a case under Section 307 IPC. Offence under Section 307 IPC has been added by physically observing the condition of the complainant and noticing the fact that the injury was caused with the axe on the head of the complainant and

the scar is running right from the tips of the forehead till the middle of the brows till the upper portion of the eye. He further submits that the petitioner is in custody since 11.05.2020.

Learned State counsel submits that no doubt, injury invoking Section 307 has been caused by the father of the petitioner but the role of the petitioner cannot be minimized, as the petitioner had caught hold of the complainant and in this process, his father inflicted *gandasa* blow upon the head of the complainant .

I have heard learned counsel for the parties.

Admittedly, the injury invoking Section 307 IPC has been attributed to the co-accused Kartar Singh and the role attributed to the petitioner is that he had caught hold of the complainant, whereas his father inflicted *gandasa* blow upon the head of the complainant. Considering the fact that the petitioner is in custody since 11.05.2020 and trial in the case will take sufficiently long time and no useful purpose will be served to keep the petitioner in custody, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

January 07, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No