

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

221

CRM-M-36343 of 2020  
Date of Decision: 29.01.2021

Sikander Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. P. K. S. Phoolka, Advocate,  
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

\*\*\*\*\*

**AMOL RATTAN SINGH, J. (ORAL)**

Case heard via video conferencing

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.96, dated 16.08.2020, having been registered at Police Station Nandgarh, District Bathinda, alleging therein the commission of the offences punishable under Sections 307, 323, 341, 427, 148 and 149 of the IPC.

Mr. Phoolka, learned counsel for the petitioner, points to the reply now on record (of the DSP, Rural, Bathinda), wherein in paragraphs 4 and 5 it is stated, as regards the present petitioner (Sikander Singh), that he was found to have given a *kappa* blow with an intention to kill Rajinder Singh but with the injury sustained by Rajinder Singh found to be non-grievous by the doctor, though the injury inflicted by his co-accused Amrit Singh, also with a *kappa*, on Sukhvir

Singh, was found to be dangerous to life.

He further submits that the petitioner having been in custody for 5 months he deserves to be admitted to bail, with no prosecution witness examined so far.

However, learned State counsel, on instructions, submits that the petitioner has been in custody actually for about 4½ months since 14.09.2020 and therefore does not deserve to be admitted to bail, though upon query he does not deny that, as per his instructions, no other criminal case stands registered against the petitioner.

Keeping in view the fact that it is the only the criminal case registered against the petitioner and he is in custody for about 4½ months, with the report under Section 173 of the Cr.P.C. having been submitted to the competent court but with no witnesses examined so far (as per the instructions of learned State counsel) and further, the injury attributed to the petitioner not having been declared to be even a grievous injury, without making any comment on the actual merits of the case, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

**January 29, 2021**  
dinesh

**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes  
No