

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40135-2020

Date of Decision: 27.1.2021

Sukhwant Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Paramjit Singh Brar, Advocate
for the petitioner (s).

Mr. Hittan Nehra, Addl. AG, Punjab.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 439 Code of
Criminal Procedure for grant of regular bail to the petitioner in case FIR
No.53 dated 17.8.2009 registered for the offences punishable under Sections
307, 186, 353, 332, 382, 511, 148, 149 of Indian Penal Code (for short,
“IPC”) at Police Station Sadiq, District Faridkot.

The bail petition is contested by the State.

I have heard the counsel for the petitioner and the learned State
counsel.

Learned counsel for petitioner submits that as per FIR, only
lalkara was attributed to the petitioner who was later on declared as
proclaimed offender. The remaining accused who faced trial were acquitted
vide judgment dated 16.2.2016 (Annexure P-3).

It is further contended that the petitioner himself surrendered before the trial Court on 17.11.2020 and is presently lodged in judicial custody and is not required by the police for any purpose. Counsel for the petitioner, thus, prays that the petitioner be released on bail.

While opposing the bail application, learned State counsel submits that the petitioner was named in the FIR and he and other accused persons committed heinous crime by attacking the police party on 17.8.2009 with the intention to kill the police officials. He further submits that the bail application deserves to be dismissed being devoid of merits.

I have considered the rival contentions of both the parties.

As per FIR (Annexure P-1), at the time of the alleged occurrence, petitioner-Sukhwant Singh, his brother Raj Karan and their father Mukhtiar singh raised *lalkara* and thereafter, their accomplices attacked the police party and caused injuries to its members. It is not disputed that after the registration of the FIR, the petitioner had absconded. However, his father Mukhtiar Singh and brother Raj Karan along with other accused faced trial and finally, they were acquitted on 16.2.2016 vide judgment (Annexure P-3) by the Court of learned Additional Sessions Judge, Faridkot. Later on, the petitioner surrendered in the Court on 17.11.2020 and since then, he is in custody. As per the counsel for the petitioner, trial against him has not commenced till date as filing of supplementary challan is being awaited by the Court below. Admittedly, the petitioner is not required by the police at this stage for any purpose. In these circumstances, I am of the view that no purpose will be served, even if, the petitioner is kept in custody for any longer period.

the present petition is allowed and the petitioner is directed to be released on regular bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridkot.

January 27, 2021

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No