

203/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-48830-2019
Decided on : 13.01.2021

Sukhwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.212 dated 31.08.2018 for the offences registered under Sections 307, 323, 427, 148 and 149 IPC,1860 (Section 302 IPC subsequently vide DDR No.29 dated 01.09.2018) at Police Station Tanda District Hoshiarpur.

Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 31.08.2018, was allegedly attributed a grievous injury with a datar on the ear of injured Manjinder Kaur. It has been submitted that only one out of 26 prosecution witnesses cited has been partly examined till date, hence, there is no likelihood of the trial concluding in the near future. Hence, a prayer has been made to extend the concession of regular bail to the petitioner.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has submitted that the petitioner was an

active participant in the alleged crime inasmuch as he along with other co-accused came to the spot armed with lethal weapons. He has further submitted that no doubt the petitioner has not been attributed any injury on the person of the deceased but the injury attributed to him is with a lethal weapon like datar on a vital part of the person of injured Manjinder Kaur, which was declared to be grievous in nature. Learned State counsel has also submitted that participation of all the accused is writ large from the fact that in the said occurrence as many as two persons received injuries and one person lost his life. It has also been contended that since the material witnesses have not yet been examined, the concession of regular bail be not extended to the petitioner as there is every likelihood that the petitioner may tamper with the evidence and witnesses may be influenced to depose in his favour.

Heard.

Keeping in view the allegations against the petitioner and the fact that material witnesses are yet to be examined, this Court is not inclined to extend the concession of regular bail to him. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

13.01.2021
sonia

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No