

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

CRM-M-6087 of 2022(O&M)

Date of Decision: 08.08.2022

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Hoshiar Singh, Advocate
For the petitioner.**

Ms. Jaspreet Kaur, AAG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 190 dated 28.10.2017, registered under Sections 302, 325, 324, 323, 148 and 149 IPC at Police Station City-1, Abohar, District Fazilka.

The counsel for the petitioner submits that no specific injury has been attributed to the petitioner who was stated to be armed with wooden stick at the time of occurrence. The counsel further submits that the petitioner is in custody for the last more than 11 months and is having no criminal history and that trial is yet to commence. The counsel further submits that similarly situated co-accused Kuldeep Singh @ Dipu has been given benefit of bail by this Court vide order dated 16.08.2018 in CRM-M-28880 of 2018.

The present petition is opposed by the State counsel who submits that after completion of investigation, challan has been presented but charges are not yet framed. However, the State counsel has

not refuted the fact that co-accused Kuldeep Singh @ Dipu has been granted concession of regular bail.

I have considered the submissions made by learned counsel for the parties.

As per the allegations in the FIR at the time of the occurrence which resulted into death of Mangu Singh, the petitioner, Bittu son of Avtar Singh, Bittu son of Baldev Singh and Kuldeep Singh @ Dipu, who were armed with wooden sticks and dandas, were present at the spot. However, no specific injury has been attributed to them. The petitioner is in custody for the last more than 11 months and after completion of investigation police has presented the challan but charges are yet to be framed and only thereafter trial will commence. Similarly, situated co-accused Kuldeep Singh @ Dipu has already been given the benefit of regular bail by this Court vide order dated 16.08.2018. It will take considerable time for the trial to conclude. So, no useful purpose is going to be served by keeping the petitioner in custody for any longer period.

In view of the above, without commenting on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate concerned.

08.08.2022

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**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**