

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

212

CRM-M-11466-2022

Date of decision: 23.03.2022

SARWAN SINGH ALIAS SARVAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Ms. G.K.Mann, Senior Advocate with
Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. V.G.Jauhar, Senior DAG, Punjab
for the respondent-State.

Mr. Karamjit Singh, Advocate
for the complainant.

SANT PARKASH, J. (Oral)

(The case has been taken up for hearing through video conferencing.)

Prayer in this 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. 108 dated 30.05.2020 registered under Sections 302, 307, 326, 325, 324, 323, 148 and 149 of the Indian Penal Code, 1860 at Police Station Khalra, District Tarn Taran.

The present FIR has been lodged on complaint made by Rashpal Singh who alleged that on 30.05.2020, his father Joginder Singh and his parental uncles who live in adjoining houses, all were present in their houses. The present petitioner along with other co-accused armed with deadly weapons came outside their houses and

raised lalkara to teach them lesson for digging pits. The accused persons inflicted injuries upon the complainant, his father and other relatives.

The allegation against the petitioner is that he gave a *kappa* blow from reverse side on inside of the right ankle of complainant's father.

The petition has been opposed by learned State Counsel as well as learned Counsel for the complainant. However, no reply has been filed on their behalf.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that present is a case of version and cross-version. It was the complainant party who were the aggressor and they were forcefully installing a pipe to throw gutter water in front of the gate of the petitioner. As per the FIR, the petitioner is alleged to have given *kappa* blow from reverse side on the ankle of the father of the complainant whereas in the post mortem report there are only two injuries, one on the head and other on the right hand little finger. There is no injury on the ankle of the petitioner. The petitioner has been falsely implicated to have caused any injury to the father of the complainant. Co-accused Darshan Singh has already been granted bail by Co-ordinate Bench of this Court vide order dated 15.12.2021(Annexure P-3). The petitioner is in custody since 31.05.2020. Challan in the present case has already been presented. The trial is likely to take long time. No useful purpose will be served by

keeping the petitioner in custody. Therefore, the petitioner may be enlarged on regular bail.

Opposing the contentions learned State Counsel and learned Counsel for the complainant have submitted that the petitioner being member of unlawful assembly had given a *kappa* blow and inflicted injuries upon the deceased. In view of the nature of accusation, gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, Co-accused Darshan Singh already been granted bail, period of custody of the petitioner, challan in the matter already been filed, custodial interrogation of the petitioner not required and the fact that the trial is likely to take long time but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No