

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

CRM-M-17830-2022

Date of decision: 17.05.2022

Sukhdev Singh @ Tharu

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.43 dated 01.05.2020, registered at Police Station Gharinda, Amritsar Rural, under Sections 302, 326, 324, 323, 148 and 149 IPC.

Learned counsel for the petitioner submits that the petitioner has been in custody since 20.07.2020; that it is a case of version and cross-version; that on the statement of Baljit Singh, a cross-case bearing DDR No.25 dated 08.05.2020, under Sections 307, 336, 323, 148 and 149 IPC and Section 25 of the Arms Act, 1959, was registered against the complainant party; that no injury on the person of the deceased, has been attributed to the petitioner, and that injury on the head of Sukhdev Singh has been attributed to the petitioner, but the same has been declared simple in nature. Moreover, similarly situated co-accused Karandeep Singh has since been granted the concession of regular bail by this Court, vide order dated 25.04.2022 passed in CRM-M-41612-2020. On this premise, the learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the aforesaid submissions of the learned counsel for the petitioner, submits that the petitioner had actively participated in the commission of the offence. However, he does not dispute that injury attributed to the petitioner has been declared simple in nature and that it is a case of version and cross-version.

I have heard the learned counsel for the parties.

The injury attributed to the petitioner has been declared simple in nature. It is a case of version and cross-version and it is yet to be ascertained by the trial Court on the basis of evidence as to which was the aggressor party.

The petitioner has been in custody since 20.07.2020. Challan has been presented. 35 prosecution witnesses are yet to be examined. As stated above, the co-accused has since been granted the concession of regular bail. There is no other case registered or pending against the petitioner, at least of a similar nature. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

17.05.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No