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

CRM-M-22993-2022 (O&M)

Date of decision : 12.09.2022

Rashpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. H.S. Deol, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.115 dated 18.05.2021 registered under Sections 302, 341, 323, 34 of the Indian Penal Code, 1860 at Police Station Chattiwind, District Amritsar.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 13.05.2022 and investigation has been completed and challan has been presented and there are 22 prosecution witnesses, out of which, none have been examined thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and that the petitioner has not been attributed any injury to the deceased. It is contended that the deceased had suffered one

injury on the head which has been attributed to Jaspal Singh. It is further contended that the petitioner has been attributed three injuries inflicted on the complainant, with a blunt weapon and all of the injuries attributed to the petitioner have been declared to be simple in nature. It is argued that the present case is a case of version and cross-version and regarding the same, DDR dated 25.05.2021 (Annexure P-1) has been got recorded by Shamsher Singh, who himself has suffered a fracture in the fight. It is further argued that the co-accused of the petitioner namely Shamsher Singh @ Bittu, against whom, there was attribution that he has caused injuries to the deceased, has already been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 21.02.2022 passed in CRM-M-49176-2021.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that in the present case, on account of injuries caused by Jaspal Singh, one person has died and the complainant has also suffered injuries and the petitioner alongwith other co-accused had jointly attacked the complainant party.

This Court has heard the learned counsel for the parties and has perused the paper book.

The present case is a case of version and cross-version. The petitioner is in custody since 13.05.2022 and investigation is complete and challan has been presented and out of 22 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time. The petitioner has not been attributed any injury to the deceased. The

deceased had suffered one injury, which has been attributed to co-accused namely Jaspal Singh. The petitioner has been attributed three injuries inflicted on the complainant, with a blunt weapon and all of them have been declared to be simple in nature. The petitioner is not involved in any other case. The co-accused of the petitioner namely Shamsher Singh @ Bittu, whose role is higher than that of the present petitioner as per the FIR, has already been granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 21.02.2022 passed in CRM-M-49176-2021.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

12.09.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Whether reportable:-****Yes/No****Yes/No**