

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

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CRM-M-36388-2021 (O &M)

Date of decision: 05.04.2022

BIKKI SINGH @ VICKY SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent.

SANT PARKASH, J. (ORAL)

CRM-27986-2021

Vide the present application, the petitioner has sought exemption to file court fee along with original power of attorney with the present petition due to the pandemic situation of Covid-19.

The restrictions imposed due to the pandemic situation have been eased out now and the present application is disposed of with direction to the applicant/petitioner to deposit the requisite court fee and original power of attorney in the Registry.

CRM-M-36388-2021

Prayer in this petition under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 91 dated 22.05.2021 registered under Sections 308/323/506 of the Indian Penal Code, 1860 at Police Station Sadar Dhuri, District Sangrur to which Section 325 IPC was added later on.

Brief facts of the case are that the complainant did not have cordial relations with the petitioner. On 21.05.2021 at about 8.15 P.M., when the complainant was returning back towards his house and on the way when he reached at crossing, the present petitioner armed with axe was present at that place. The petitioner started abusing the complainant. However, to avoid dispute the complainant started proceeding towards his house. The petitioner came from his backside and gave reverse side axe blow to the complainant which blow struck at the backside of head of complainant. The complainant fell down. Thereafter, Harpreet Singh ex-member and other persons came at the spot. The petitioner fled away from the spot along with his weapon by raising threats.

The petition has been opposed by learned State Counsel. However, no reply has been filed on behalf of respondent/State.

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

Learned Counsel for the petitioner has argued that there is no motive stated by the complainant to commit the alleged crime by the petitioner. The alleged injury to the complainant is not grievous or dangerous to life. The investigation in the present case has been completed, challan has been presented. The petitioner is in custody since 24.05.2021. Trial is likely to take long time. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel while opposing

the submissions of learned Counsel for the petitioner has fairly conceded that the injury inflicted upon the complainant is with blunt weapon and grievous in nature. The allegations against the petitioner are serious. Therefore, the petition for grant of regular bail to the petitioner may be dismissed.

Having considered the facts and circumstances of the case, the period of custody of the petitioner, custodial interrogation of the petitioner not required, challan has already been presented, 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.

05.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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