

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

212

CRM-M-35542-2021

Date of Decision: 22.04.2022

Swaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. H.S.Brar, Senior Advocate, with
Mr. Sumeetpal Singh Sidhu, Advocate, for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Kashish Garg, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.87 dated 31.05.2021 registered at Police Station Sangat, District Bathinda, under Sections 326/341/323/506/34 (Section 308 IPC added vide DDR No.29).
2. The allegations in nutshell are that 3 persons namely Swaran Singh (petitioner), co-accused Mandeep Singh and Tarsem Singh had attacked the complainant namely Dharampal Garg. While Tarsem Singh, who was armed with *karand bhani* (a wooden agricultural implement having long handle), is alleged to have raised *lalkara*, co-accused Mandeep Singh, who was carrying a baseball bat, is alleged to have inflicted an injury with the same on the left side of the complainant's head. Swaran Singh (petitioner), who was carrying a handle of spade, is stated to have inflicted an injury with the same on the back side of complainant's head.

All the accused are otherwise stated to have caused injuries other than the aforesaid specific injuries.

3. Learned senior counsel appearing on behalf of the petitioner has submitted that the complainant has since been examined and that the injury on the eye leading to loss of vision, which would attract Section 325 IPC, is attributed to co-accused Mandeep Singh, who has already been granted anticipatory bail. It has further been submitted that since two other co-accused have already been granted the concession of anticipatory bail, the petitioner, who has been behind bars since the last about 9 months, is entitled to be released on regular bail.
4. On the other hand, learned State counsel assisted by learned counsel for the complainant has submitted that having regard to the fact that a large number of injuries i.e. 10 injuries were caused by the accused including 2 grievous injuries and there is loss of vision of the complainant, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 9 months and that as on date only 1 PW has been examined. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the allegations as leveled in the FIR pertaining to causing injuries to the complainant do stand substantiated from the medical record of the complainant. It also stands substantiated that the complainant has sustained grievous injuries including loss of vision. However, at the same time, this Court cannot lose sight of the fact that the petitioner has been behind bars since the last about 9 months.

Conclusion of trial is likely to consume time inasmuch as only 1 PW has been examined till date. Two other co-accused have already been granted concession of anticipatory bail. The petitioner otherwise has a clean record.

7. Bearing the aforesaid factual position in mind particularly the fact that the petitioner has been behind bars for a substantial period of about 9 months and two other co-accused have been granted anticipatory bail, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.04.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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