

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37674-2021 (O&M)
Date of decision: 10.01.2022

Happy Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. N.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.109 dated 10.10.2020 under Sections 324, 323, 34 IPC (Sections 307/326 IPC were added later on), registered at Police Station Balianwali, District Bathinda.

Learned counsel for the petitioner relies upon the order dated 12.07.2021 passed in CRM-M-18587-2021, vide which co-accused Sukhwinder Singh @ Balwinder Singh @ Bindi was granted the concession of regular bail.

The operative part of the order reads as under: -

“...Learned counsel contends that the petitioner is innocent and has been implicated in a false case and in fact the complainant party had inflicted injuries on the person of co-accused, Ranjit Singh, who was admitted in Civil Hospital, Bathinda and in order

to save their skin and to put pressure on the accused, they inflicted injuries on their person and got registered a false case against the petitioner. Learned counsel further contends that the injury attributed to the petitioner is a blow with baseball bat on the left shoulder of the complainant and that the said injury is simple in nature, the petitioner has been in custody since 09.11.2020, challan has been presented but charges are yet to be framed, therefore trial is likely to take a long time to conclude, accordingly, no useful purpose would be served by keeping the petitioner in custody.

Learned Addl. AG, Punjab, on instructions from ASI, Sukhwinder Singh, states that the petitioner along with other accused had inflicted number of injuries on the complainant, out of which, one injury on the person of victim-Sukhdev Singh was declared dangerous to life while another injury near right arm on the person of complainant with Kirpan, has been declared grievous in nature. Learned Addl. AG, Punjab, however, concedes that the injury attributed to the petitioner is simple in nature, the petitioner has been in custody since 09.11.2020, challan has been presented though charges are yet to be framed besides the petitioner is not involved in any other case...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that the petitioner is attributed a rod blow on left shoulder of the victim, which is not attracting Section 307 IPC, as the said injury is attributed to co-accused Ranjeet Singh. It

is further submitted that the petitioner is in custody for the last 01 year and 18 days and is not involved in any other case. It is also submitted that investigation is complete; challan stands presented and it will take some time in conclusion of the trial.

Learned State counsel has filed the custody certificate dated 08.01.2022 in the Court today and submitted that out of total 12 prosecution witnesses, none has been examined so far.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.01.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No