

CRM-M-49176-2021 (O&M)

Date of Decision: 21.02.2022

Shamsher Singh @ Bittu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Vishal Rattan Lamba, Advocate, for
Mr. Himmat Singh Deol, Advocate,
for the petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 115, dated 18.05.2021, registered at Police Station Chattiwind, District Amritsar (Rural), for the alleged commission of offences punishable under the provisions of Sections 302/341/323/34 of the IPC.

Learned counsel for the petitioner points to the post mortem report (Annexure P-5), wherein only a single injury is shown to have been received by the deceased, in the head region.

He submits that though the allegation that both the petitioner and his son Jaspal Singh had attacked the deceased (the petitioners' brother Mukhtar Singh) with '*Tanglis*', very obviously the petitioner cannot be attributed that injury, the allegation in the FIR itself being that it was inflicted by Jaspal Singh and with the petitioner himself also having suffered three fractures in the fight; and a cross-version to the DDR also having been registered at his instance (copy Annexure P-1).

He next submits that in the aforesaid circumstances, the petitioner has been in custody for the past about 09 months, with no witnesses examined so far.

As regards the stage of the trial, learned State counsel could not deny the same but of course reiterates the contents of the FIR, that the petitioner was also complicit in the attack on the deceased.

Having considered the matter, simply looking at the post mortem report and looking at the period of custody of the petitioner, as also the stage of the trial, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

February 21, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.