

260

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

**CRM-M No.51664 of 2021
Date of Decision: 23.05.2022**

SHANKAR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vikasdeep Singh, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his fourth attempt under Section 439 Cr.P.C in case bearing FIR No.07 dated 31.01.2020, registered under Sections 307, 326, 341, 323, 324, 148, 149 IPC at Police Station Fathu Dyinga District Kapurthala. Earlier CRM-M No.18828 of 2020, CRM-M No.43758 of 2020 and CRM-M No.14844 of 2021 were dismissed as withdrawn on 04.08.2020, 11.01.2021 and 12.08.2021 respectively.

As per allegations, petitioner was armed with kirpan and he along with Kamalpreet Singh @ Padda, Dharam Singh and Kulwinder Singh inflicted injuries on the person of husband

of the complainant with their respective weapons. Petitioner gave a kirpan blow on the head of the husband of the complainant with an intention to kill him. The blow hit on the right eye and right side of forehead of the husband of the complainant when he was fallen on the ground. Other accused also inflicted injuries on the head and other parts of body of husband of the complainant.

Co-accused Mangal Singh, Kamalpreet Singh @ Padda and Amritpal Singh have already been granted regular bail.

Learned counsel for the petitioner submits that challan was submitted on 12.05.2020 and till date charges have not been framed. Petitioner is in custody since 16.02.2020.

Learned counsel further submits that fundamental postulate of criminal jurisprudence is the presumption of innocence till found guilty and grant of bail has to be treated as a rule and the petitioner cannot be made to suffer only on account of his criminal antecedents in view of law laid down in **Maulana Mohd. Amir Rashadi vs. State of U.P. And another, 2012(2) SCC 382.**

Per contra, learned State counsel however opposed the bail on the ground of gravity of offence. The State counsel has admitted that after filing of challan under Section 173 Cr.P.C. on

12.05.2020, charges have not been framed so far. Petitioner is in custody since 16.02.2020.

Looking to the aforesaid facts and in view of the custody of the petitioner and progress of the case and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

May 23, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No