

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

CRM-M-47914-2022

Date of Decision:-21.10.2022

Vicky Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Avinash Mandla, Advocate for the Petitioner.

Mr. Jaiteshwar Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.112 dated 25.05.2022 under Sections 323, 324, 427, 34 IPC and Section 326 and 473 IPC added later on registered at Police Station Chheharta, District Amritsar.

The present FIR came to be registered at the instance of Karamjit Singh who stated that he was an auto driver. On 25.05.2022 while he was coming back home after dropping a passenger at the railway station, near Khalsa College, Amritsar three persons came on two vehicles, two on an Activa and one on a motor cycle. They asked him to stop. On account of fear, he did not do so and the aforementioned three persons followed him and again tried to stop him at Chheharta chowk. The person on the Activa threw a stone towards the front glass of his auto due to which it broke.

When he reached the street of his house, the three assailants came in the

street where the person wearing a white colour shirt gave him blows of a *datar* which hit him on his left wrist and right side of the head above the eye due to which he fell down. While lying on the ground the other two assailants gave him kick and fist blows. On an alarm being raised they fled away. On checking the footage of CCTV cameras installed outside the house of his cousin Satnam Singh he identified two of the assailants as Vicky son of Upkar (petitioner) and Sukhpal Singh son of Bhagwan Singh. The identity of the third person was not known to him.

The Counsel for the petitioner contends that the petitioner has been attributed a *datar* blow on the left wrist and head of the complainant. The injuries were found to be grievous in nature. However, the petitioner is in custody since 4.6.2022 and his co-accused Sukhpal Singh has been granted the concession of bail. Since none of the 19 prosecution witnesses have been examined so far and the petitioner is a first time offender, the petitioner deserves the concession of bail.

The Counsel for the State on the other hand contends that as per the case of the prosecution, the petitioner is the main accused. His case is different from the case of Sukhpal Singh who has been granted the concession of bail. He however does not dispute the period of custody undergone by the petitioner, as also the fact that he is first time offender and none of the prosecution witnesses have been examined so far.

I have heard counsel for both the sides at length.

Admittedly, the petitioner is in custody since 04.06.2022. None of the 19 prosecution witnesses have been examined so far, therefore, the Trial of the present case is not likely to be concluded any time soon. Even otherwise, the petitioner is a first time offender with clean antecedents.

Therefore, the further incarceration of the petitioner is not required.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Vicky Singh** son of Sh. Upkar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 21, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>