

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

214

**CRM-M-48219-2022(O&M)
Decided on : 21.10.2022**

Sandeep Singh

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Sandeep Singh, who has been booked for having committed the offence punishable under Sections 323, 341, 506, 148 and 149 IPC (Section 326 added lateron), in FIR No. 55 dated 20.07.2022, registered at Police Station Chamkaur-Sahib, District Rupnagar, Punjab.

Learned counsel for the petitioner submits that offence under Section 326 was added later on, which infact is the injury attributed to the petitioner, i.e. Kirpan blow on the left arm of injured Subhash Kumar. Counsel submits that injury caused by the petitioner is on non-vital part. He further submits that co-accused Iqbal Singh @ Balla, against whom no specific role was alleged, has already been granted interim anticipatory bail by this Court vide order dated 30.08.2022 in CRM-M-38789-2022. Learned counsel for the petitioner further submits that petitioner is inside jail since 01.09.2022 and nothing more is required to be recovered from his possession and there is no possibility of early conclusion of the trial. Thus, prays, regular

bail for the petitioner.

Per contra, while opposing the prayer made by learned counsel for the petitioner, learned State counsel submits that petitioner is the main accused who used sharp edged weapon and injury attributed to him is on the left arm of injured Subhash Kumar.

On being asked by the Court, learned State counsel, on instructions from ASI Jernail Singh, submits that investigation is almost complete and challan will be presented before the concerned court, very soon. However, he is not disputing that injury attributed to the petitioner is on non-vital part and nothing more is required to be recovered from the petitioner, and that petitioner is not involved in any other case.

I have considered the submissions of both the sides, and perused the material available on record with their able assistance.

In view of the factual aspects coupled with the reasons that the case is triable by the Court of learned Magistrate and there is no possibility of early conclusion of the trial and that nothing more is required to be recovered from the petitioner, and also noticing the fact that petitioner is not involved in any other case, no fruitful purpose would be served by keeping him inside jail. Moreover, as stated by learned State counsel that final report is likely to be presented before the Court very soon, I deem it appropriate to enlarge the concession of bail to the petitioner.

In view of the aforementioned facts and circumstances of the case and the submissions recorded hereabove, present petition is **allowed**. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

Observations made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

October 21, 2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No