

(220) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53215-2022
Date of Decision: 23.11.2022

AMRIK SINGH @ MIKA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Moudgill, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.82 dated 27.06.2022 (Annexure P-1) registered under Sections 365, 323, 148, 149 IPC, 1860 at Police Station Dirba, District Sangrur.

2. The brief facts of the case are that the statement of Gurpiyar Singh complainant was recorded who stated that he was a painter. On 22.06.2022, while he along with Chanan Singh were riding on his motorcycle and were in the market, then in meantime, Karnail Singh @ Jelly who was empty handed at that time came there to call him and stated that he wished to talk to him. He took him near a Skoda car parked near Bhawanigarh and he sat inside the car. Meanwhile Amrik Singh (petitioner), Billa son of Mohna and two other unknown persons sat inside the car and Billa started driving the car and took him about half a kilometer towards the *Kacha* road. There,

Amrik Singh (petitioner) who was carrying a rod pasted with *Garari* in his hand inflicted a blow upon his left leg and Billa was made to sit in the car. Then a rod blow was inflicted on his right leg. Amrik Singh (petitioner) gave a *jelly* blow on his right leg and left shoulder. When a noise was raised the people gathered at the spot and the accused fled away.

3. The learned counsel for the petitioner contends that all the offences except Section 365 IPC are bailable. In fact, the said section has been added to make the offence non-bailable. The petitioner was in custody since 27.08.2022 and was a first-time offender. The challan stood presented and since none of the 18 prosecution witnesses had been examined, the trial was not likely to be concluded any time soon and therefore, he be granted the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner is one of the main accused. The manner in which the occurrence took place did not entitle him to the grant of regular bail. He however, did not dispute the fact that no prosecution witnesses has been examined and the petitioner is a first time offender.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is a first time offender. He is in custody since 27.08.2022. The investigation stands completed and none of the 18 prosecution witnesses have been examined so far. Therefore, the further incarceration of the petitioner is not required as the Trial of the present case is not likely to be concluded anytime soon.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Amrik Singh @ Mika son of Amarnath is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

23.11.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No