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

**CRM-M-57399-2022
Date of Decision: 20.12.2022**

Akhwinder Singh @ Aku

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gaurav Pratap S. Pathania Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.127 dated 28.10.2019, under Sections 307, 323, 324, 342, 148, 149 & 365 IPC, registered at Police Station Division No.2, Pathankot.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 17.09.2022 and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further submitted that the petitioner is having clean antecedents and is not involved in any other case and he has been falsely implicated in the present case. He also submitted that even as per the prosecution, a group of person had attacked the injured

and so far as the present petitioner is concerned, the role attributable to him was giving an iron-rod blow below the knee and the other co-accused, namely, Jatinder Singh @ Ketan and Dilpreet Singh, who are the main accused, have already been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide CRM-M-15238-2020 and CRM-M-15514-2020 on 09.07.2020 and the injuries qua them were serious in nature and so far as the present petitioner is concerned, the injury qua him was simple in nature.

On the other hand, Mr. Kunal Vinayak, AAG, Punjab has submitted that it is correct that the petitioner is in custody since 17.09.2022 and the investigation has been completed, and thereafter, challan has also been presented before the competent Court. He further submitted that it is also correct that the petitioner is not involved in any other case and the aforesaid co-accused, namely, Jatinder Singh @ Ketan and Dilpreet Singh have already been extended the benefit of regular bail by a Co-ordinate Bench of this Court in CRM-M-15238-2020 and CRM-M-15514-2020 on 09.07.2020.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than 3 months and the investigation of the case has already been completed and the petitioner is stated to be not involved in any other case. The injury attributable even as per the prosecution qua the petitioner was giving an iron-rod blow below the knee whereas the injuries attributable to the other co-accused, namely, Jitender Singh @ Ketan and Dilpreet Singh, who are the main accused, were serious in nature and both the co-accused have

already been extended the benefit of regular bail by a Co-ordinate Bench of this Court vide CRM-M-15238-2020 and CRM-M-15514-2020 on 09.07.2020. Furthermore, it is neither the case of the State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence the witness or may tamper with the evidence. Therefore, this Court is of the view that the petitioner deserves the concession of regular bail.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

20.12.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |