

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

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CRM-M-58393-2022 (O&M)

Date of Decision: 20.12.2022

SUKHDEV SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.103 dated 03.04.2020, registered at Police Station Sadar Tarn Taran, District Tarn Taran, under Sections 302, 148, 149, 188 and 269 IPC (Section 201 IPC added and Section 269 IPC deleted later on) and Sections 51 and 52 of the Disaster Management Act, 2005.

Learned counsel for the petitioner submits that though the petitioner has specifically been named in the FIR, yet only kick blows on the person of Tejinder Singh (since deceased) have been attributed to the petitioner; that Tejinder Singh died because of head injury, inflicted by the co-accused; that a baton, which was not used in the commission of offence, was recovered from the petitioner and that there was no injury on the person of the deceased with the baton. He further submits that the petitioner has been in custody since 02.07.2020; that out of total 40 prosecution witnesses, only 5 have been examined so far, including the complainant; that there is no other case registered and/or pending against

the petitioner and that co-accused, namely, Sukraj Singh, who has been attributed a lalkara, has since been granted the concession of bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner has specifically been named in the FIR, who had actively participated in the occurrence and had given kick blows on the person of the deceased. He further submits that most of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 02.07.2020. There is no other case registered against the petitioner. Co-accused has already been enlarged on bail. As per the learned counsel for the petitioner, only kick blows on the person of the deceased have been attributed to the petitioner. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

20.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No