

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

**CRM-M-58444-2022
Date of decision: 21.12.2022**

Sukhman Singh alias Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 64 dated 10.04.2022, registered under Sections 307, 324, 323, 506, 148, 149 and 120-B of the IPC (Sections 325, 326 of the IPC added later on) at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner submits that the FIR was registered on the statement of one Gurpiar Singh with the allegations that he is an agriculturist and on 09.04.2022, Karnail Singh came to his shop and stated that he has to raise boundary wall of their house and the complainant should come at the spot for measurement. When the complainant, along with Mohinder Singh, Ranjeet Singh and Jaspal Kaur, reached at the spot, Karnail Singh and others, instead of conducting the measurement, started abusing the complainant party. In the meantime, Karnail Singh raised a *lalkara* to catch hold of the complainant party, on which, sons of Karnail Singh also came out of the house. Thereafter, petitioner Sukhman Singh alias Kaka caught hold of

the complainant and Nirmal Singh alias Nimma, with an intention to kill, gave three blows of *Kappa* on the head of the complainant, due to which, the complainant fell down and other accused also gave blows on the complainant with their respective weapons as detailed in the FIR.

Learned counsel for the petitioner further submits that there is no allegation that the petitioner was related to aforesaid Karnail Singh, with whom the complainant had the dispute of raising a boundary wall. It is further submitted that the petitioner is a first offender and is in judicial custody for the last 07 months and 16 days and since the conclusion of trial is likely to take a long time, the petitioner may be enlarged on regular bail.

Learned State counsel, on the basis of the custody certificate filed today in Court and on instructions from ASI Baldev Singh, has not disputed the factual position but opposed the bail. As per custody certificate, the petitioner is in judicial custody for the last 07 months and 18 days and he is not involved in any other case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 07 months and 18 days; he is not involved in any other case and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

21.12.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*