

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

205

CRM-M-18649-2022

Date of Decision: 14.02.2023

Rupinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Jagroop Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.0083 dated 22.06.2021 at Police Station Amloh, District Fatehgarh Sahib, under Sections 341, 323, 324, 506, 34 IPC (Section 307 IPC added later on).
2. The FIR in question was lodged at the instance of Surmukh Singh, wherein it has been alleged that on 22.06.2021, when he had gone to his fields for irrigating the same, Rupinder Singh (petitioner), who was carrying an axe hit him on his head and also gave a blow with the same on his left leg above ankle. Sarabjit Kaur, who was carrying a bat, Gagandeep Kaur, who was carrying a stick and Amrik Singh also gave beatings to the complainant. When the complainant had fallen down, all the accused gave several blows on his back and stomach with their respective weapons.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case. Learned counsel has further submitted that the petitioner had earlier been granted bail, as the offences initially alleged were bailable, but subsequently after about 6 months of the occurrence, offence under Section 307 IPC came to be added pursuant to receipt of opinion of the Doctor to the effect that the injury in the abdomen was spleen, which is grievous in nature and endangering life. Learned counsel has further submitted that the petitioner has been attributed 2 specific blows i.e. one on the head and the other on the leg and that he cannot be attributed the said blow, which is opined to be endangering life. It has further been submitted that since the other co-accused have already been granted the concession of anticipatory bail, the petitioner also deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that it is the petitioner only, who was carrying a lethal weapon in the shape of an axe and also inflicted an injury on vital part of the complainant i.e. head and that as such, his intention to kill the injured/complainant is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 1 month and that he is not involved in any other case. It has also been informed that as on date only 2 out of cited 11 PWs have been examined.
5. This Court has considered rival submissions.
6. It is no doubt correct that the petitioner is specifically named in the FIR and there are specific allegations against him. However, this Court cannot lose sight of the fact that the petitioner has been behind bars since

the last about 1 year & 1 month. Conclusion of trial is likely to take time as only 2 out of cited 11 PWs have been examined till date. The petitioner otherwise is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.02.2023

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**