

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.211

CRM-M-54268-2022 (O&M)

Date of decision : 11.04.2023

Sukhjinder Singh @ Happy

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Gurinderjit Singh, Advocate for
Mr. A.P.S. Sandhu, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.156 dated 27.05.2021, registered at Police Station Kamboj, District Amritsar, under Sections 323, 324, 326, 148 & 149 IPC (Section 201 IPC added later on).

Learned counsel for the petitioner submits that the petitioner is attributed a *datar* blow on the right ear of the brother of the complainant. Other co-accused one of whom is attributed a head injury has been granted regular bail. The trial is at initial stage as examination of PWs has not yet been commenced. The petitioner has been in custody for over 06 months and there is one other criminal case pending against him in which he is on bail. The petitioner may be granted regular bail in this case as well.

Custody certificate dated 10.04.2023 checked by Sh. Surinder Singh, Jail Superintendent, Central Jail, Amritsar has been submitted in Court. The same is taken on record. A perusal thereof shows that the

CRM-M-54268-2022 (O&M)

petitioner has undergone actual custody of 06 months and 14 days and there is one other criminal case pending against him in which he is on bail.

Learned State counsel on instructions from ASI-Amarjit Singh concedes that only challan has been presented as yet and that other co-accused have been granted regular bail. He also concedes that the petitioner is attributed a *datar* blow on the ear of the brother of the complainant.

Learned counsel for the complainant submits that the petitioner does not deserve the concession of regular bail because he has been attributed a serious injury. Section 326 IPC has been added only on account of injury inflicted by the petitioner. Thus, he does not deserve the concession of regular bail.

From the aforementioned submissions, it is evident that the petitioner has been in custody for 06 months and 14 days and that the trial is not likely to be concluded at an early date. It is also evident that other co-accused have been granted regular bail. Even though, the petitioner is attributed the grievous injury, he deserves the concession of regular bail keeping in view the period of custody undergone as well as the fact that the trial is not likely to be concluded at an early date. The petition is allowed and it is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

11.04.2023

Ramandeep Singh