

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

CRM-M-55061-2022
Date of Decision:-**21.03.2023**

SUKHCHAIN SINGH ALIAS BHUJIA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.
-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.233 dated 7.8.2021 registered under Sections 307, 325, 323, 148, 149 IPC and Sections 25/27 of Arms Act (but later on offence under Section 25 of Arms Act was deleted) at Police Station Sadar Mansa, District Mansa.

As per the allegations recorded in the FIR co-accused Mandeep Singh armed with Gandasa, Gurjeet Singh armed with licensed revolver, Nirbhay Singh armed with Spear along with other 9 unidentified persons attacked complainant Jaswinder Singh and his father Ajaib Singh and uncle Naib Singh and Gurjit Singh caused fire arm injuries to Ajaib Singh and the

complainant, who was also attacked by Mandeep Singh, the said accused also caused injuries to Naib Singh.

The counsel for the petitioner *inter alia* contended that the petitioner was not named in the FIR and was arrested on 1.7.2022 and no weapon was recovered from his possession. The counsel for the petitioner further submits that main accused Mandeep Singh and Gurjit Singh are granted regular bail by the Coordinate Bench of this Court vide Annexures P-2 and P-3. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude. So prayer is made that petitioner be granted regular.

The instant petition is contested by the State counsel, who submits that the petitioner was member of unlawful assembly which caused injuries to complainant, Ajaib Singh and Naib Singh with different weapons. However, the State counsel has not disputed the fact that no incriminating article was recovered from the possession of the petitioner who is in custody since 1.7.2022. The State counsel has also not refuted the fact that co-accused Mandeep Singh and Gurjit Singh are granted regular bail vide orders Annexure P-2 and P-3.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner was not named in the FIR and was later on nominated as accused on the basis of supplementary statement of the complainant and now is in custody since 1.7.2022 but no weapon or incriminating article was recovered at his instance during the investigation

of the case. Further no specific injury is attributed to the petitioner. Indeed challan has been presented and charges are also framed but till date no prosecution witness has been examined as has been apprised by the State counsel. Further the main accused Mandeep Singh and Gurjit Singh are already given benefit of regular bail vide orders Annexure P-2 and P-3. So no purpose is going to be served by keeping the accused behind the bars for any longer period.

Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

21.03.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No