

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13138-2024
DECIDED ON: 20.03.2024

NIKKA SINGH ALIAS JASKARAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Imaan Singh Khara, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.168, dated 22.11.2023, under Sections 307, 365, 342, 323, 148, 149 of IPC, 1860 and Section 25 of Arms Act (Section 326 of IPC added later on vide DDR No.24 dated 18.01.2024), registered at Police Station Sangat, District Bathinda, Punjab.
2. Learned counsel for the petitioner submits that the petitioner was not present at the place of alleged occurrence. He further submits that as per the prosecution story, the petitioner was alleged to be armed with a wooden stick and gave beatings on the back of the complainant. He asserts that as per the *medico legal report* there is no injury mark on the back of the complainant, which is alleged to be given by the petitioner and all the injuries alleged to be sustained by the complainant are simple in nature.

3. He has drawn attention of this Court to an order dated 01.03.2024 (Annexure P-5) passed in CRM-M-10196-2024, wherein main accused namely Lakhwinder Singh @ Lakhi has already been granted the concession of bail by this Court stating that the petitioner is at better footing from him.

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that petitioner has given beatings on the back of the complainant with wooden stick, but does not controvert the fact that all the injuries are declared to be simple in nature.

5. Heard, learned counsel for the respective parties.

6. Be that as it may, considering the facts and circumstances and the fact that the injuries referred hereinabove are simple in nature and main accused has already been granted the bail by this Court added with the fact that after completion of investigation challan stands presented on 20.02.2024, wherein 23 prosecution witnesses has been cited and charges are yet to be framed, meaning thereby the conclusion of trial shall take considerable time, no useful purpose would be served by keeping the petitioner behind bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule and jail is an exception*", as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

7. In view of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. The present petition is hereby allowed.

9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.03.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>