

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-12437-2015
Date of decision: 29.04.2015

Balwinder Ram @ Chota Mia

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. Vikas Bali, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No. 213 dated 11.8.2013 registered under Sections 307, 458, 324, 506 and 120-B IPC at Police Station Phillaur.

Notice to the Advocate General, Punjab.

On the asking of Court, Ms. Anmol Grewal, AAG, Punjab, accepts notice.

Learned counsel for the petitioner submits that the petitioner is inside the jail for the last more than one year and seven months. He was not named in the FIR. Since the petitioner was not named in the FIR, there was no scope of attributing any injury or weapon of offence against the petitioner. He further submits that the trial is yet to commence and conclusion thereof will take pretty long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Sulakhan Singh, Police Station, Phillaur, District Jalandhar, submits that in fact petitioner was the main accused. He was working as

domestic help with the complainant-injured Smt.Balwinder Kaur. She further submits that petitioner facilitated his other co-accused for entering into the house of the injured during the night and thereafter together caused injuries on the person of complainant. She prays for dismissal of the instant petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner is entitled for bail pending trial. It is so said, because neither any recovery was effected from the petitioner nor he was named in the FIR. Even in the statement (Annexure P-2), complainant herself has not attributed any weapon of offence to the petitioner. Learned counsel for the petitioner is right in contending that since the trial is yet to commence, conclusion thereof will take pretty long time.

Without commenting further, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial Court.

Petition stands disposed of, accordingly.

29.04.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE