

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

**Criminal Misc. No. M-16015 of 2015
Date of Decision: 29.5.2015**

Deepak Kumar

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Mohd. Yousaf Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in cross version case under Sections 307/323/324/326/148/149 IPC in FIR No. 52 dated 13.4.2014 under Sections 323/324/452/148/149 IPC registered at Police Station Division No.2, Jalandhar, District Jalandhar.

Notice of motion.

On the asking of the Court, Mr. Daljit Singh Virk, AAG, Punjab, accepts notice.

Learned counsel for the petitioner places reliance on the order dated 19.5.2014 (Annexure P-1) passed by the learned Additional Sessions Judge, Jalandhar, whereby the petitioner was granted bail pending trial. He submits that thereafter, offence under Section 307 IPC came to be added

because of which he is again inside the jail. He further submits that the only injury attributed to the petitioner is simple injury on the right arm of Jaspreet Singh-complainant in the cross version case. He concluded by submitting that since the petitioner did not misuse the concession of bail earlier granted to him, he is entitled for bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that petitioner and his other co-accused were armed with deadly weapons. He further submits that numerous simple and grievous injuries were caused by them on the person of the injured namely Jaspreet Singh. He concluded by submitting that since the nature of injuries caused by the petitioner was serious, he is not entitled for bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the bail pending trial. It is so said, because earlier the petitioner was granted bail pending trial by the learned Additional Sessions Judge, Jalandhar, vide order dated 19.5.2014 (Annexure P-1).

Further, it is not the allegation against the petitioner that

he ever misused the concession of bail earlier granted to him. The injury attributed to the petitioner is not on any vital part of the body. Maternal grandmother of the petitioner namely Smt. Kaushlaya Devi is the author of the FIR and the petitioner is accused only in the cross version case.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the rights of either of the parties, 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 learned trial court/Duty Magistrate, Jalandhar.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

29.5.2015
AK Sharma