

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-19282-2015  
Decided on: 21.07.2015

Davinder Singh .....Petitioner

Versus

State of Punjab .....Respondent

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER**

Present: Ms.Baljit Mann, Advocate for the petitioner.  
Mr. Rupam Aggarwal, DAG, Punjab.  
Mr. Umesh Kumar Kanwar, Advocate for respondent no.2.

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**MAHESH GROVER, J.**

This is a petition under Section 439 Cr.P.C praying for release of the petitioner on regular bail in a case FIR No.112 dated 25.07.2014, under Sections 307, 324, 323, 341, 506 read with Section 34 IPC, registered at Police Station Bilga, District Jalandhar.

The allegations against the petitioner are that he gave a 'gandasi' blow on the head of the complainant when an altercation ensued between both of them on account of a trivial issue while working in the fields.

Learned counsel for the petitioner contends that the petitioner is in custody since 10.09.2014 and the complainant was discharged from the hospital after about 8/10 days of the occurrence. It is further contended that only three prosecution witnesses have been examined and the trial is likely to take some time as an application under Section 319 Cr.P.C has been moved.

The aforesaid facts are not controverted by the respondents but it has been stated by them that considering the nature of injury and the

manner of occurrence, the petitioner does not deserve the concession of bail.

After hearing learned counsel for the parties and noticing the fact that the dispute occurred in the heat of the moment when an altercation broke out between Avtar singh, co-accused of the petitioner and the complainant indicating no pre meditative intent and also noticing the fact that the petitioner is in custody for the last 10 months and the trial is likely to take some time, I would, without commenting upon the merits of the case, direct the petitioner to be released on bail in terms of Section 439 Cr.P.C subject to his furnishing bailbonds to the satisfaction of learned trial Court.

Bail to the satisfaction of learned Trial Court/Duty Magistrate.

Nothing said herein shall be construed to be an expression on the merits of the case.

21.07. 2015  
mamta

**(Mahesh Grover)**  
**Judge**