

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19883 of 2015

Date of decision: June 29, 2015

Iqbal Singh @ Goldy

.... Petitioner..

Versus

State of Punjab

.... Respondent..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashok Giri, Advocate,
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Jaspal Singh, J. (Oral)

This is a petition under Section 439 of the Code of Criminal Procedure (for brevity, 'Code') preferred by Iqbal Singh @ Goldy, now confined in Central Jail, Jalandhar, seeking regular bail, during the pendency of trial, in case bearing FIR No. 227, dated December 17, 2014, under Sections 307, 452, 323, 324, 427 148 and 149 IPC (Sections 325 and 326 IPC added later on), registered at Police Station Navi Baradari, Jalandhar City, District Jalandhar.

2. It is an undisputed fact that instant FIR was registered under Sections 307, 452, 323, 324, 427, 148 and 149 IPC, at Police Station Navi Baradari, District Jalandhar City, on the basis of statement of Harpreet Singh @ Harry. Though, an offence under Section 307 IPC has been attracted by the police in the FIR but from the X-ray report as

well as opinion of the concerned medical officer, it reveals that injuries No. 1, 2 and 3, appearing on the head of complainant have been declared simple in nature. So, it is a debatable question whether an offence under Section 307 IPC is made out or not. Moreover, petitioner was arrested in this case on December 17, 2014 and subjected to custodial interrogation, during which, he suffered disclosure statement and got recovered DATAR, allegedly used during the course of occurrence. Report under Section 173 (2) of the Code has already been presented, which is pending before Id. Additional Sessions Judge, Jalandhar. Since, the date of his arrest i.e. December 17, 2014, petitioner is suffering incarceration. Moreover, disposal of the challan is also likely to take considerable time for its disposal.

3. Taking into consideration all these aspects of this case but without expressing any opinion on the merits of the case, petition is allowed and petitioner-Iqbal Singh @ Goldy is ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate, Jalandhar.

June 29, 2015
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(JASPAL SINGH)
JUDGE