

CRM-M-20062 of 2015 1

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

**CRM-M-20062 of 2015
Date of decision : 01.07.2015**

Jaspreet Singh @ Babbi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. A.P.Kaushal, Advocate
 for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

Mr, D.S.Malwai, Advocate
for the complainant.

DARSHAN SINGH,J(Oral)

This petition has been filed under Section 439 Code of Criminal Procedure (for short Cr.P.C) by the petitioner Jaspreet Singh @ Babbi for grant of the regular bail in case FIR No. 98 dated 03.09.2014, under Sections 308, 325, 341, 323, 148, 149, 120-B of Indian Penal Code, registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner contended that the petitioner is in custody for the last more than one year. The injury attributed to the petitioner at the most attracts Section 325 IPC, which is a bailable offence. The injury which attracts Section 308 IPC is not attributed to the present petitioner. The trial has not yet started. Some

additional accused have been summoned. So, the conclusion of the trial will take time. Thus, the petitioner deserves the concession of bail.

On the other hand, learned State counsel assisted by learned counsel for the complainant contended that about 13 injuries were caused to the complainant. Out of those, there are six grievous injuries in nature. The injury attributed to the present petitioner is grievous in nature. Due to the injury inflicted by the complainant, the bones of knee of the petitioner came out. So, he does not deserves the concession of bail.

The aforesaid contentions have been duly considered.

As per the prosecution allegations, the present petitioner was armed with an iron rod and he gave two iron rod blows to the complainant. Due to which the bone of the right knee broken and came out. Thus, the injury attributed to the present petitioner is grievous in nature. But, this fact is not disputed that the injury which attracts Section 308 IPC has been attributed to co-accused Dalwinder Singh. The injury individually attributed to the petitioner will attract Section 325 IPC.

The petitioner is in custody since 30.04.2014 i.e. for the last fourteen months. It is not disputed that some additional accused have also been summoned in this case. Thus, certainly the conclusion of the trial will take time. The petitioner has remained in custody for a quite long period of about fourteen months and practically the trial is yet to commence. He can not be indefinitely kept behind bar as bail is a rule and jail is an exception.

Thus, keeping in view of my aforesaid discussion and without expressing anything on merits of the case, the present petition is

CRM-M-20062 of 2015 3

hereby allowed and the petitioner Jaspreet Singh @ Babli is ordered to be released on bail on furnishing requisite personal and surety bonds to the satisfaction of Chief Judicial Magistrate, Sangrur.

01.07.2015
s.khan

(DARSHAN SINGH)
JUDGE