

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-25923 of 2015

DATE OF DECISION: 31.8.2015

Hardyal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, namely, Hardyal Singh in case FIR No. 168 dated 4.8.2014 registered under Section 307/326/336/120-B/148/149 IPC and 25 of Arms Act at Police Station Maqsudan, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has been implicated in this case on the basis of general allegations, whereas, neither any specific role has been attributed to him nor any injury has been caused by him. As per allegations in the FIR, 10-12 persons who were armed with double barrel riffles .12 bore and other weapons caused injuries to the complainant as well as the injured. Learned counsel further

contends that even as per the statement of the complainant, no injury has been attributed to the petitioner and simply it has been mentioned that all the persons caused injuries. Learned counsel also contends that only the challan has been presented and now the case is fixed for framing of the charge. The petitioner is in custody since 19.9.2014 and trial will take long time to conclude and no purpose would be served by keeping him behind the bars.

Learned counsel for the State has not disputed the custody period but opposes grant of bail to the petitioner on the ground that all the persons have caused injuries to the injured.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR.

A perusal of FIR clearly shows that neither any injury under Section 326 IPC has been attributed to the petitioner nor any allegation is there that he was armed with any specific weapon. Only on the basis of general allegations, the petitioner has been implicated in this case. Although Sections 148 and 149 IPC are there in the FIR but it will be seen during trial that whether the same are made out or not. The petitioner is in custody since 19.9.2014 and even charges have not been framed. Trial will take some time to conclude and no purpose would be served by keeping the petitioner behind the bars. Accordingly the present petition is allowed and petitioner, namely, Hardy Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

August 31, 2015
pooja

(DAYA CHAUDHARY)
JUDGE