

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-27440 of 2015

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Date of decision:21.8.2015

Vikramjit Singh alias Bikramjit Singh alias Vicky alias Pathi

...Petitioner

v.

State of Punjab

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Bhanu Pratap Singh, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for the grant of regular bail in case FIR No.163 dated 11.12.2014 registered
at Police Station Garhshankar, District Hoshiarpur for the offences under
Sections 323 and 308 IPC.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms. Simsi Dhir Malhotra, learned
Deputy Advocate General, Punjab has put in appearance and accepted
notice on behalf of the respondent-State and contested this petition. Police
record is also available.

Learned counsel for the petitioner argued that the petitioner is

in custody since 20.3.2015 and is not required for any investigation purposes and he prays for the grant of regular bail to the petitioner.

After hearing learned counsel for the parties and after going through the record, I find that the FIR in the present case has been registered on the statement of Manohar Lal. As per the allegations, on 23.10.2014 at about 7.00 p.m., when the complainant was going to his house, Pathi alias Vicky along with two unknown persons came to him. They took him on motorcycle to Banga road, Garhshankar to the cart of Gorkha. Pathi offered him Sprite Soda and after taking Sprite Soda, he started becoming unconscious. Then Pathi gave two Danda blows, first blow hit him on the left side of the forehead and the second blow hit him on the back side of head. Pathi then gave two kick blows in his stomach. Deepa kept on holding him from his arms. He became unconscious and regained consciousness after two-three days and found himself admitted in Harbans Hospital, Nawanshahar.

Learned counsel for the petitioner argued that there is no injury which amounts to attempt to commit culpable homicide. The opinion has been obtained from a private hospital with the connivance of the doctor.

From the record, I find that the petitioner is in custody since 20.3.2015 and the trial is going on. The petitioner is not required for any investigation or interrogation purposes. Nothing is to be recovered from him at this stage. He is only to face the trial. Therefore, no useful purpose will be served by keeping him in custody till the disposal of the case.

Keeping in view the facts and circumstances of the present

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case, without going into the facts in minute detail and without expressing any opinion on the merits of the case, I accept this criminal miscellaneous petition and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of ₹30,000/- and one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

August 21, 2015.

(Inderjit Singh)
Judge

hsp