

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209 **Criminal Misc. M- No. 31215 of 2014 (O&M)**
Date of decision : 16.01.2015

Baljit SinghPetitioner

Versus

State of PunjabRespondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sanjay Kaushal, Senior Advocate with
Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 36 dated 30.03.2013 registered under Sections 324, 323, 34 IPC (Sections 307 and 342 IPC added subsequently) and 23 of Juvenile Act, 2000 at Police Station Sadar Patiala, District Patiala.

Learned senior counsel for the petitioner submits that the petitioner was arrested on 24.04.2013. Application under Section 319 Cr.P.C. has been allowed on 17.12.2014 for summoning the additional accused in this case. Therefore, the trial would start de novo. The trial is, therefore, not likely to conclude in the near future. Learned senior counsel refers to the cross examination of PW1 Dr. Kulbhushan Rai wherein he has observed that there is no injury which could have been dangerous to life. Therefore, whether Section 307 IPC is attracted in this case or not is a moot point.

Learned counsel for the State vehemently opposes this application by submitting that the petitioner, who is the father, has

caused as many as 16 injuries on the person of his own minor child aged 6 years. The injuries collectively could be dangerous to life.

It is, however, confirmed that an application under Section 319 Cr.P.C. has been allowed on 17.12.2014 and the matter is now fixed for framing of charge on 02.02.2015. Therefore, the trial is not likely to conclude in the near future. Petitioner is in custody for about one year and nine months. The petitioner is not involved in any other case except FIR No. 515 dated 29.10.2007 registered under Sections 406, 498 A, 506 IPC at Police Station Sadar Patiala. This case obviously arises out of the matrimonial discord between the petitioner and his wife. The petitioner is not an accused in FIR No. 166 dated 05.10.2012 mentioned in column no. 9 of affidavit dated 17.09.2014 of Sh. Ramandeep Singh Bhagu, PPS, Deputy Superintendent, Central Jail, Patiala. Learned counsel for the petitioner submits that he is the complainant in this case. This fact is confirmed by learned counsel for the State on instructions from Head Constable Balwinder Singh.

Keeping in view the facts and circumstances but without expressing any opinion on the merits of the controversy, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of learned trial Court.

January 16, 2015
rts

(LISA GILL)
JUDGE