

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

CRM-M-32309 of 2015

Date of Decision: November 09, 2015

Balwinder Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. A.K. Walia, Advocate
for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

FATEH DEEP SINGH, J.

This is a petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.96 dated 11.07.2015 under Sections 307,323,341,148,149 IPC registered at Police Station Sardulgarh.

The allegations against the petitioners are that on 10.7.2015 they have assaulted the complainant and his sons while they were working in their fields. The petitioner-Balwinder Singh @ Bindi is attributed injury by means of *gandasa* upon Kirpal Singh by the reverse side on the head and the other petitioner-Balwinder Singh is attributed *dang* blow upon Gurtej Singh on his left elbow and one blow on the chest. Petitioner-Jarnaib Singh is attributed a *Kassi* blow on the left wrist and left index finger of Bharpur Singh.

Learned counsel for the petitioners contends that injury attributed to the petitioner-Balwinder Singh @ Bindi has

been opined to be grievous in nature, whereas, other injuries attributed to the co-accused/petitioners are only simply in nature on non-vital parts.

Though, on behalf of the State Mr. Sultan Singh Gill, DAG, Punjab assisted by ASI Deep Singh, opposed the bail on the ground that doctor has opined that injury on the head is dangerous to life. On the very query of the Court, the learned State counsel fairly concedes at the bar that there is no vital body signs, operational notes, treatment record, C.T. Scan or X-ray report to corroborate this fact that the injury is dangerous to life, and the hospitalisation period reflects nothing. Learned counsel for the petitioner further contends that the similarly placed co-accused Bharpoor Singh has been allowed bail by this Court vide orders dated 6.11.2015 and that the petitioners are in custody since 17.7.2015.

In view thereof and keeping in view that trial is not likely to be concluded in near future and that no purpose would be served by keeping the petitioners behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioners be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

(FATEH DEEP SINGH)
JUDGE

November 09, 2015
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