

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-37935-2014

Date of decision : 23.01.2015

Baljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.Kewal Singh, Advocate
for the petitioner.

Mr.Gazi Mohammad, DAG, Punjab.

REKHA MITTAL, J.(ORAL)

The petitioner prays for grant of regular bail in FIR No.60 dated 21.04.2013 registered in Police Station Sadar Ludhiana for offence punishable under Sections 307, 332, 353, 186 of the Indian Penal Code (in short 'IPC') and Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Counsel for the petitioner inter alia contends that alleged recovery effected from the petitioner falls within the preview of non-commercial quantity as it is not more than 500 grams. It is further submitted that the petitioner has been indicted for committing offence punishable under Section 307 IPC in view of one injury on the skull of Om Parkash but said Om Parkash was never admitted in the hospital and as per X-ray skull, no bony injury was seen. The complainant and injured have already been examined in the case and conclusion of trial is likely to take its own time.

The petitioner is in custody since 21.04.2013.

Counsel for the State, on instructions from ASI Jagdev Singh, Police Station Sadar Ludhiana, has not disputed factual assertions but seriously opposed prayer for bail with the submissions that as the petitioner attacked members of the police party and caused injury on skull of Om Parkash with a base ball bat, he does not deserve to be enlarged on bail.

The petitioner is in custody for the past about nine months. The material witnesses in the case have already been examined, therefore, there is no possibility of his tampering with the prosecution witnesses. The conclusion of trial is likely to take its own time.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of trial Court. However, he shall remain bound by the following conditions:-

- (i) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

(REKHA MITTAL)
JUDGE

January 23, 2015.

DK