

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

CRM-M-42231-2015

Date of decision: 18.12.2015

Avtar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Athwal, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

Mr. Amit Dhawan, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.82 dated 13.04.2015 under Sections 323, 324, 148, 149 of the Indian Penal Code ('IPC' for short) and Section 307 IPC (added later on), registered at Police Station Shahkot, District Jalandhar.

Learned counsel for the petitioner submits that it is a case of version and cross-version alleged by both the parties against each other. Petitioner also suffered as many as 08 injuries at the hands of the complainant. He further submits that it was the complainant's party who was aggressor and this was the reason that offence under Sections 452, 323, 324, 148, 149 IPC has been alleged against the complainant. Offence under Section 307 IPC came to be added later on. Learned counsel for the petitioner would next contend that petitioner was left with no other option except to exercise his right of self-defence. Petitioner is inside the jail for the

last more than six months and since charge is yet to be framed, conclusion of trial will take time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Paramjit Singh, Police Station Shahkot, Jalandhar as well as learned counsel for the complainant submit that since the petitioner is the main accused who has caused a grievous injury on the vital part of the body of the complainant, he is not entitled for bail pending trial. They pray for dismissal of the present petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case noticed hereinabove, petitioner has been found entitled for bail pending trial. It is so said because petitioner has also suffered as many as 08 injuries at the hands of complainant-party. In such a situation, it shall be a debatable issue for the learned trial Court, as to which party was the aggressor because offence alleged against the complainant-party is also under Section 452 IPC. Further, since the charge is yet to be framed, conclusion of trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of the learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

18.12.2015
vishnu