

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

CRM-M-6560 of 2015

Date of decision: 09.03.2015

Swaran Singh @ Shammi

....Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Punjab
for the respondent-State.

Jaspal Singh, J.(Oral)

1. This is a petition under Section 439 Cr.P.C., moved by Swaran Singh @ Shammi for grant of regular bail in case FIR No.59 dated 28.04.2014, under Sections 307, 323, 341, 506, 120-B, 148 and 149 IPC and Sections 382 and 325 IPC added later on registered at Police Station City Malout, District Sri Muktsar Sahib.

2. The allegations against the petitioner are that while he armed with an iron rod gave one blow on the forehead of Mehma Singh-complainant and another blow of iron rod was inflicted by him on the left leg below the knee. Injury No.1 has been

declared simple in nature as is evident from the copy of the MLR, whereas injury No.5 was subsequently declared grievous in nature and falls within the ambit of Section 325 of IPC.

3. The learned Sessions Judge while passing the order on December 18, 2014, has misconstrued the injuries by stating that the injury attributed to the present petitioner falls under Section 307 IPC. The accused was arrested in this case on 28.04.2014 and since then, he is cooling his heels behind the bars.

4. Challan has already been presented and the case is now fixed for prosecution evidence but disposal of the challan would certainly take long time.

5. Keeping in view the above narrated facts, it would not be desirable to keep the petitioner behind the bars for an indefinite period.

6. Accordingly, petition is allowed and the petitioner is released on bail to the satisfaction of learned trial Court/Chief Judicial Magistrate, Sri Muktsar Sahib.

March 09, 2015
m. sharma

(JASPAL SINGH)
JUDGE