

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-15771 of 2016

Date of decision : May 13, 2016

Parminder Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vivek K. Thakur, Advocate, for the petitioner
Mr. Gurveer Sidhu, AAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

It is inter-alia argued in this regular bail petition under section 439 Cr.P.C. on behalf of petitioner that a civil dispute between petitioner and victim Buta Roshan is going on and Buta Roshan has tried to cut the poplar trees from the land of the petitioner who allegedly fired on the ankle of the victim, a non-vital part.

The contention of the counsel for the petitioner is that the petitioner is in custody since 18.2.2016 and there is lone injury on the non-vital part which does reflect there was no intention to kill and the medical and the ocular version are contradictory to each other which is duly accepted by the learned State counsel admitting that for this injury offence

under section 326 IPC has been applied. Thus in view of debatable issue as to the applicability of section 307 IPC in this case and the fact that trial is not likely to be concluded in near future and no useful purpose will be served by detaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

The present petition stands disposed off accordingly.

May 13, 2016
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(Fateh Deep Singh)
Judge