

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No. M-16821 of 2016
Date of Decision:-22.07.2016

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.Chandeep Singh, Advocate for the petitioner.

Mr.Kirat Singh Sidhu, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Section 439 Cr.P.C. is for grant of bail to the petitioner in case FIR No.62, dated 16.03.2015, for offence punishable under Sections 324/326/506/34 IPC registered at Police Station Samrala, Distt. Ludhiana.

Learned counsel for the petitioner contends that the petitioner is in custody since 20.04.2016 and injury attracting Section 326 IPC has been attributed to co-accusd of the petitioner, namely, Upkar Singh. He further submits that the alleged occurrence has taken place on account of resumption of construction of the wall by engaging labourers. He also submits that challan in the case has been presented and trial will take sufficient long time.

On the other hand, learned counsel for the State, on instructions from HC-Mukhtiar Singh, submits that even if the alleged

injury attracting Section 326 has not been caused by the petitioner, but the fact remains that he accompanied the other co-accused, and, therefore, he has opposed the regular bail of the petitioner.

Heard.

Without commenting upon the merits of the case and keeping in view of the fact that injury attracting Section 326 IPC has been attributed to co-accused of the petitioner, coupled with the fact that the case is triable by the Magistrate as well as the fact that trial in the case will take sufficient long time to conclude, no useful would be served by keeping the petitioner-accused behind the bars.

Accordingly, the present petition is accepted and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

It is also made clear that expression made here-in-above shall not be construed as an expression on the merit of the case and the trial Court shall be at liberty to decide the case on the basis of available evidence.

(HARI PAL VERMA)
JUDGE

July 22, 2016
Anjal