

CRM-M-17139-2016

[1]

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(210)

CRM-M-17139-2016

Date of Decision:-29.08.2016

Jaspal @ Kaka and another

.....Petitioners

V/S

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Ashok Kumar Sama, Advocate,
for the petitioners.

Mr. Shailesh Gupta, Addl.A.G. Punjab.

A.B. Chaudhari, J. (Oral):-

Heard learned counsel for the rival parties. This petition is for grant of regular bail in case FIR No.95 dated 06.09.2015, registered for offences under Sections 308, 323, 341, 506, 148 and 149 of Indian Penal Code, at Police Station Sadar Abohar, District-Fazilka. It is not in dispute that, initially the FIR was registered for the offence except Section 308, IPC.

I have perused the FIR in entirety, I find from the reading of the FIR that the petitioner had encircled the injured and assaulted him with some dangerous weapon. I have perused the injury report. It is not in dispute, that the victim was discharged from the hospital on 01.09.2015, after he was assaulted on 27.08.2015. Looking to the nature of the injuries, I think, the petitioner deserve to be granted bail as challan has been filed. No criminal antecedents have been reported against the petitioner. Petitioner was arrested in March, 2016 and is in jail since then. In my opinion, there is no point in continuing his detention in jail. At the same time, care will have

Pankaj Kakkar
2016.09.01 17:14
I attest to the accuracy and
integrity of this document

to be taken to protect the interest of the prosecution witnesses. Learned counsel for the petitioner makes a statement on instructions from his client, that the petitioner will not enter Village Patre Wala and will reside at City Abohar, and report to the Police Station Sadar Abohar, on last Sunday of every month between 04:00PM to 06:00PM, and shall not tamper with the prosecution witnesses. With these conditions the petitioner is granted bail. Learned counsel for the State submits that the charge has been framed and now the trial has been fixed for evidence on 02.09.2016. In that view of the matter, liberty is granted to apply for modification of this condition only after all the material witnesses are examined in the trial Court. Till then the petitioner shall not enter Village Patre Wala, and shall not tamper with the prosecution witnesses. Bail to the satisfaction of the Trial Court/Chief Judicial Magistrate concerned.

Disposed of.

August 29, 2016

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No