

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

**Criminal Misc. No. M-19118 of 2016
Date of Decision:-27.07.2016**

Balwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vivek Goel, Advocate
for the petitioner.

HARI PAL VERMA J.

Petitioner has filed the present petition under Section 439(2) read with Section 482 Cr.P.C. for cancellation of bail granted to accused-respondent No.2 by learned Additional Sessions Judge, Moga vide order dated 8.12.2015 (Annexure P-6).

Learned Additional Sessions Judge, Moga, while admitting the accused-respondent No.2 on bail, has observed as under :-

“Accused-applicants are in judicial custody since 08.10.2015 and not required for purpose of investigation. There is no allegation that accused have got previous

criminal background or they are habitual offender. Challan against them is yet to be presented. Conclusion of trial will take long time. Hence, detaining them in prison for in-definite period will not be justified. Therefore, they are admitted to bail on furnishing personal bond in the sum of Rs.50,000/- each with one surety of the like amount to the satisfaction of Illaqa/Duty Magistrate. On their release they will surrender their passport if any, and will not leave the country without prior permission of the Court. In case they does not possess passport, they will file affidavit in this regard. They will not commit any offence similar to the one alleged to be committed in this case and will not interfere with the prosecution evidence in any manner.”

Learned counsel for the petitioner has contended that there is specific allegation against respondent No.2, who was armed with bamboo boke and gave blow with it on the head of injured Jagjit Singh. He has referred to the copy of MLR of injured Jagjit Singh and supplementary report (Annexure P-5) dated 27.10.2015 to contend that injury No.1 was grievous and declared dangerous to life and, therefore, respondent No.2 does not deserve the concession of regular bail.

I have heard learned counsel for the petitioner.

There is limited scope to interfere in the matter of cancellation of bail. The record reveals that originally the doctor has given opinion that the injury on the person of complainant was simple in nature and at the time of discharge his condition was conscious and oriented. Merely because at the subsequent stage the doctor has opined the injury to be dangerous to life

is not a ground of cancellation of bail.

Dismissed.

July 27, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No