

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-22427 of 2016

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Date of decision:12.7.2016

Darshan Singh

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. P.S. Grewal, Deputy Advocate General, Punjab
for the respondent-State.

Mr. Vijay Rana, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.8 dated 26.1.2016 (Annexure-P.1) registered for the offences under Sections 302, 452, 323 and 34 IPC (however, after investigation Section 302 IPC was deleted and replaced with Section 304 IPC) at Police Station Hariana, District Hoshiarpur.

Notice of motion to Advocate General, Punjab.

Mr. P.S. Grewal, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Vijay Rana, learned Advocate has appeared on behalf of the complainant and contested this petition.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Punjab appearing for the respondent-State and learned counsel for the complainant and have gone through the record.

From the record, I find that as per the allegations in the FIR Darshan Singh-present petitioner handed over the iron rod to Mandeep Singh and he himself had not given any injury with iron rod or 'Lathi' etc. or with any weapon. As per the FIR only fist blow upon the head of father of the complainant was attributed. Copy of the post-mortem report has also been placed on the record which shows no such injuries. The petitioner is not the main accused. He is in custody since 28.1.2016. One co-accused, namely, Smt. Rano is stated to have already been released on bail. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

July 12, 2016.

(Inderjit Singh)
Judge

hsp