

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

CRM-M-23485 of 2016 (O&M)
Date of decision : 22.07.2016

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. V. K. Sandhir, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by ASI Gurwinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.28 dated 31.03.2016, registered under Sections 326 and 452 read with Section 34 of the Indian Penal Code (for short 'IPC'), at Police Station Tarsikka, District Amritsar.

The learned counsel for the petitioner contends that the incident took place on 15.03.2016, whereas, FIR was registered after the delay of 15 days on 31.03.2016. He states that no injury is attributed to the petitioner and the grievous injury is attributed to the co-accused, namely, Dilbag Singh. The only allegation against the petitioner that he raised the lalkara.

The petitioner is in custody since 30.04.2016.

On the other hand, the learned State counsel submits that the petitioner had actively participated in the incident. He states that challan stands presented and charges have not been framed so far. The complainant gains nothing by delaying the registration of the FIR.

Heard.

Keeping in view the facts that petitioner is in custody since 30.04.2016; challan stands presented; charges are yet to be framed; only role of the petitioner is that he incited the co-accused; no injury is attributed to the petitioner; and there is delay in lodging the FIR, no useful purpose would be achieved in keeping the petitioner behind the bars.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

22.07.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**