

215

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

CRM-M-26129 of 2016

Date of decision: October 25, 2016

Naib Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Harinder Singh, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. AG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.161 dated 16.10.2015, under Sections 307, 324, 323, 148, 149 of Indian Penal Code, 1860, registered at Police Station Maur, District Bathinda, petitioner was arrested on 09.02.2016 and is in custody since then.

The challan has admittedly been filed. The petitioner is said to have given a blow of sword on the head of the victim who eventually survived. I have perused the entire FIR and the nature of dispute amongst the parties.

Learned counsel for the complainant as well as learned State counsel vehemently opposed the petition for regular bail to the petitioner. Learned counsel for the complainant submits that there are three injuries on the head and therefore, the petitioner should not be released on regular bail. In addition to that, he submits that there is a

threat perception to the complainant, if the petitioner is released on regular bail.

I have perused the injury report shown to me by the learned State counsel. I have also seen the medical opinion that was given by the doctor. In my opinion, looking to the nature of injury which is not shown there is any fracture as such, though, the injuries caused by the petitioner is by sword on the head. Looking to the background of the facts under which incident took place, in my opinion, prima-facie, the petitioner would be entitled to grant of bail as the trial will take its own time to conclude. However, care will have to be taken to protect the interest of the complainant as well as prosecution witnesses.

In that view of the matter, learned counsel for the petitioner, on instructions from the petitioner, makes a categorical statement that the petitioner would remove himself from the village Ghuman Kalan and would not enter the said village till the trial is completed and shall not influence any of the witnesses of the prosecution including the complainant. He shall also not apply for modification of this condition not to enter the village.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner would remove himself from the village Ghuman Kalan and would not enter the said village till the trial is completed and shall not influence any of the witnesses of the prosecution including the complainant.

Petitioner shall also not apply for modification of this condition.

Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

October 25, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No