

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

**CRM-M No.2786 of 2016 (O&M)
Date of Decision : 03.06.2016**

Ranjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Manpreet S. Longia, Advocate
for the petitioner.

Mr. C.S. Brar, Deputy Advocate General, Punjab
for the respondent-State.

FATEH DEEP SINGH, J.

The allegations against the petitioner-Ranjit Singh in this second bail petition under Section 439 Cr.P.C. in case bearing FIR No.253 dated 09.09.2015, under Sections 459, 324, 323, 34 IPC registered at Police Station Dakha, District Ludhiana, that he along with his co-accused Bablu during the intervening night of 09.09.2015 in the area of village Baddowal trespassed into the house of complainant-Kuldip Singh after knocking at the door and when the wife of the complainant-Narinder Kaur opened the gate, the accused entered the house with *dah* and assaulted the complainant hitting on his right arm and hand which all injuries have been opined to be simple in nature.

The allegation is opposed on the grounds that the petitioner has committed a heinous offence under Section 459 Cr.P.C. and

thus, is not entitled for grant of bail, whereas learned counsel for the petitioner has argued that the accused and the complainant belong to the same very village and on account of personal rivalry they have been falsely implicated and that offence under Section 459 Cr.P.C. is not made out and that all the injuries are simple in nature and that the petitioner is in custody for the last more than 09 months.

Heard.

Without feeling necessity to advert on to the merits there are only simple injuries attributed to the complainant on non-vital part of the body. There is no allegation either of robbery or theft as the alleged accused have entered the house knocking at the main door which was opened by the wife, thus, very applicability of Section 459 Cr.P.C. is a debatable issue.

Keeping in view the period of incarceration and the fact that the trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner-Ranjit Singh in the present case is not warranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

The present petition stands disposed off accordingly.

June 03 , 2015

Dpr

(Fateh Deep Singh)
Judge