

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 233

CRM-M-38573-2016

Decided on : 15.11.2016

Harbans Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Gulzar Mohd., Advocate, for the petitioner.

Mr.Kirat Singh Sidhu, DAG, Punjab.

DEEPAK SIBAL J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.63, dated 01.07.2016, registered under Sections 308, 323, 506, 34 IPC at Police Station Lambran, District Jalandhar.

The allegations in the FIR are that the complainant was attacked by the petitioner and co-accused Surinder Singh @ Roda and the motive for the same was a civil dispute pending between the complainant and the abovesaid Surinder Singh.

It is agreed by counsel for the parties that the grievous injury to the complainant has been attributed to the abovesaid co-accused Surinder Singh whereas the petitioner has been attributed only a simple injury. It is further agreed that after filing of the challan charges have been framed but no witness has yet been examined.

The trial is likely to take a long time.

The petitioner has been in custody for about 4 ½ months.

The co-accused Surinder Singh who has been attributed a grievous injury has already been granted regular bail by this Court through order dated 19.10.2016, passed in CRM-M-34143-2016, titled as “Surinder Singh @ Roda vs. State of Punjab”, which reads as under:-

“Heard learned counsel for the rival parties.

In FIR No.63 dated 01.07.2016 registered under Sections 308, 323, 506 and 34 of Indian Penal Code, 1860 at Police Station Lambran, District Jalandhar, the petitioner was arrested on 04.07.2016 and is in jail since then. Admittedly, the challan has been filed. The prosecution case against the petitioner is that the co-accused had inflicted a simple injury, whereas the present petitioner had inflicted blow by brick on the mendimal, as a result of which there is a fracture.

In that view of the matter, I am inclined to grant bail to the petitioner. Hence, bail petition is allowed. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned on such terms and conditions as would deem fit and proper.”

In view of the above, I deem it proper to grant regular bail to the petitioner to the satisfaction of the trial Court.

15.11.2016

shamsher

[DEEPAK SIBAL]
JUDGE

Whether reasoned/speaking : Yes / No

Whether reportable : Yes / No