

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-38856 of 2016
Date of Decision: 10.11.2016

Sukh Ram

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Gurvir Kaur Gill, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.128 dated 8.9.2016 under Sections 325, 323, 34 IPC and Section 308 IPC (added later on) registered at Police Station Sadar Fazilka.

Learned counsel for the petitioner contends that the allegation against the petitioner is that he was holding the injured namely Subhash Chander. She states that the petitioner has not inflicted any injury to the injured-complainant. The injury is attributed to co-accused Vijay Kumar Kumar and Gauri Shanker.

She further submits that the petitioner is in custody since 15.9.2016 *and charge in the case is yet to be framed.*

On the other hand, learned State counsel submits that since the petitioner is one of the assailants and was present at the scene of occurrence along with co-accused, his participation in the incident cannot be undermined.

I have heard learned counsel for the parties.

Considering the age of the petitioner, who is of 60 years and the allegation against him is that he caught hold of the injured as well as the fact that he is in custody since 15.9.2016 and trial in the case will take sufficiently long time, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that observations made hereinabove shall not be construed as any expression on the merits of the case.

November 10, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No