

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

CRM-M-40773-2016 (O&M)
Date of decision : 16.12.2016

Gurlabhjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. N.S. Dandiwal, Advocate,
for the petitioner.

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

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.131 dated 25.06.2016, registered under Sections 452, 307, 364, 323 and 148 read with Section 149 of the Indian Penal Code; and Sections 25 & 27 of the Arms Act, at Police Station City South, Moga.

It is contended that the version projected in the FIR is against the record. As per the FIR, *Khanda* blow with a sharp edged weapon was given to injured Amandeep Singh by Gurkiranjeet Singh, whereas, no incised injury is reflected in the MLR (Annexure P-3). Further contends that no case under Section 452 IPC is made out as the occurrence took place at the shop of the petitioner. Furthermore, Section 307 IPC stands deleted after the investigation. The petitioner is in custody since 14.08.2016. He is not involved in any other FIR.

On the other hand learned State counsel has opposed the present petition. It is informed that the challan has been presented and the

matter is now fixed for framing of charges.

Heard.

Considering the fact that the petitioner is in custody since 14.08.2016; he is not involved in any other case; Section 307 IPC already stands deleted; and though the challan has been presented but the charges are yet to be framed, therefore, it can safely be inferred that the trial is not likely to be concluded in the near future; 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 and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.12.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No