

CRM No. M-41368 of 2016
DECIDED ON: NOVEMBER 28, 2016

KANSAN @ KARAN

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. G.S. Khandewad, DAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for brevity, "Code" only), Kansan @ Karan-petitioner has sought bail in case FIR No. 43, dated 16.05.2016, under Section 308 IPC, registered at Police Station City Mansa, District Mansa.

2. Shortly put, the case of prosecution is that petitioner caused as many as three injuries on the person of Kulwinder Singh with "fatti". He was arrested in this case on May 16, 2016. On conclusion of investigation, report under Section 173(2) of the Code has already been presented. The disposal of the trial would take sufficient long time. Moreover, there is a debatable question as to whether an offence under Section 308 IPC is made out or not. Though injury

No.1 has been declared provisionally grievous in nature but there is no final report and injuries No.2 and 3 have already been declared simple in nature.

3. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate.

NOVEMBER 28, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reasonable *Yes/No*