

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

**CRM-M-40553 of 2015
Date of Decision: March 01, 2016**

Ajit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Anupam Bhanot, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

FATEH DEEP SINGH, J.

The allegations in this 3rd regular bail application of the petitioner -Ajit Singh under Section 439 Cr.P.C. are to the effect that the petitioner along with his co-accused/non-applicant-Lakha Singh armed with *kirpan* on 10.8.2014 assaulted the complainant side. The petitioner is attributed blow of his *kirpan* on the head of Varinder Singh-injured after they had dispute over spilling of dirty water on to the common street. It is *inter alia* argued by the learned counsel for the petitioner that co-accused/non-applicant Lakah Singh who was armed with *gandasa* and is attributed two injuries on the person of Varinder Singh and the complainant-Lakha Singh has been allowed this concession of bail vide order dated 21.9.2015 submitting that the very injuries sought to be attributed to the petitioner do not fall within the ambit of Section 307 IPC and that the petitioner is in custody since 15.11.2014 and that the trial is not likely to be concluded in near

future. Though, the same is stoutly opposed on behalf of the State contending that the petitioner is the principal accused and that the injury on vital part of the body has been attributed to him and if allowed bail the petitioner would influence the witnesses. Though, accepting that earlier bail applications of the petitioner were not decided on merits.

Appreciating the submissions, it is the lone injury attributed to the petitioner-Ajit Singh by means of sword and which has been termed to be “haemorrhagic contusion” by the doctor. On perusal of the medical record produced before the Court the total absence of corroborative evidence by way of any irregular body vitals and the likely treatment given to him on account of that very injury to some extent undermines the arguments of the State and being a debatable issue as to the very applicability of Section 307 IPC together with the fact that petitioner is in custody since one year and three months. Since similarly placed co-accused has been allowed bail. The fact that the trial is not likely to be disposed off in near future together with the principle of parity and sufficiently long incarceration impels this Court to allow the present petition. Ordered accordingly. The petitioner-Ajit Singh be admitted to the bail to the satisfaction of trial Court.

(FATEH DEEP SINGH)
JUDGE

March 01, 2016
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