

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-42606 of 2016
Date of Decision: 05.12.2016

Dilbag Singh		...Petitioner(s)
	Versus	
State of Punjab		...Respondent(s)

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

Present:- Mr. Bikramjit Aroua, 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.37 dated 14.2.2015 under Sections 307/324/323/148/149 IPC and Section 325 IPC (added later on) registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner contends that the occurrence has taken place on 12.2.2015 whereas the FIR in question was registered on 14.2.2015 i.e. after delay of two days and the only allegation against the petitioner is that he has caused injuries on the head of mother of the complainant namely Joginder Kaur, which is simple in nature. So far as the injured Dalbir Singh is concerned, no such injury has specifically been attributed to the petitioner. He further argues that as per the MLR dated 29.3.2015, only two injuries have been caused to the injured Dalbir Singh, but no specific role has been attributed to the petitioner vis-à-vis those injuries.

On the other hand, learned State counsel submits that the injured Dalbir Singh remained admitted in hospital for more than two months i.e. from 12.2.2015 to 29.4.2015 and therefore, the petitioner cannot get benefit of the fact that no specific injury is attributed to him *qua* injured Dalbir Singh. Petitioner has connived in the case.

I have heard learned counsel for the parties and perused the record.

Admittedly, no specific injury is attributed to the petitioner vis-à-vis the injured Dalbir Singh and he is in custody since 3.3.2015. The injury attributed to the petitioner is on the person of Joginder Kaur, which is stated to be simple in nature. Considering the fact that as against the 27 witnesses, as cited by the prosecution, only 9 witnesses have been examined so far and thus, the trial in the case will take sufficiently long time, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail during the pendency of the trial, 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 05, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No