

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

CRM-M-43093-2016 (O&M)
Date of decision : 09.12.2016

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vishal Sodhi, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Sanjeev Kumar.

JITENDRA CHAUHAN, J. (Oral)
CRM-38597-2016

Notice of motion.

At the asking of the Court, Ms. Harsimrat Rai, DAG, Punjab,
accepts notice.

For the reasons mentioned in the application, the same is
allowed and Section 392 of the Indian Penal Code is added in the head note
and prayer clause of the petition.

Main case

The instant petition has been preferred under Section 439
Cr.P.C. seeking regular bail in FIR No.13 dated 09.02.2016, registered
under Sections 323, 341, 506, 379, 326, 397, 201, 392 and 148 read with
Sections 149 and 34 of the Indian Penal Code, at P.S. Singh Bhagwantpura,
Distt. Rupnagar.

Contents that on the statement of brother-in-law of the
petitioner, Sikander Singh, FIR No.4 dated 26.01.2015, stands registered
against the complainant under Sections 341, 323 and 325 read with Section

34 IPC, at P.S. Sadar Kurali, which is still pending trial. The complainant is a person of bad antecedents and convict in FIR No.203 dated 09.10.2016, registered under Sections 323, 324 and 148 read with Section 149 IPC at P.S. Kurali. The petitioner and the complainant were known to each other, therefore, Section 397 IPC is not made out in the facts of the present case. The petitioner is in custody since 06.07.2016.

On the other hand learned State counsel submits that head injury on the person of the complainant is attributed to the petitioner.

Heard.

Initially, the FIR was registered under Section 323, 341, 379, 506 and 148 read with Section 149 IPC. Sections 325, 397, 201, 392 read with Section 34 IPC were added subsequently. Earlier also, the parties have been engaged in criminal litigation. The complainant is a previous convict as well.

Keeping in view the above and 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.

09.12.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No