

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

CRM-M No. 42792 of 2015 (O&M)
Date of decision : August 09, 2016

Baljit Singh @ Lakha

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Chanchal K Singla, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG Punjab

Mr. JS Bedi, Sr. Advocate with
Mr. Lovekirat Singh Chahal, Advocate
for the complainant.

Ajay Tewari, J (Oral)

CRM No.24321 of 2016

This is an application for placing on record a copy of the
challan (Annexure P-7).

Learned senior counsel for the complainant, as well as

learned Addl. AG Punjab have no objection to this application being

allowed.

Consequently, this application is allowed and the document (Annexure P-7) is taken on record.

CRM-M No.42792 of 2015

At the very outset, counsel for the petitioner has stated that since this Court has allowed CRR No.4611 of 2015 filed by the complainant, by a separate order of even date, and has directed the charge under Section 302 of the IPC to be framed against the petitioner, it would be appropriate to permit the petitioner to add Section 302 of the IPC in the heading note as well as the prayer clause of this petition.

I find this prayer to be justified and consequently, it is directed that Section 302 of the IPC be read in the heading as well as the prayer clause of this petition in place of Section 304 of the IPC.

The petitioner seeks grant of regular bail in case FIR No.33, dated 9.3.2015, registered under Sections 302, 427, 506 of the IPC, at Police Station Dehlon, District Ludhiana.

Counsel for the petitioner has argued that the petitioner has been in custody for the last one year and nearly five months. Originally the police had charged the petitioner under Section 304 of the IPC because as per the inquiry, his tractor had hit Gurdev Singh while he was escaping in injured condition, and this Court has added Section 302 of

the IPC only because it is found that at this stage the intention of the petitioner cannot be divined.

Learned senior counsel for the complainant has argued that once Section 302 of the IPC has been added by this Court consciously, it would not be appropriate to grant bail to the petitioner.

Be that as it may, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court.

Petition stands disposed of.

August 09, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No