

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-5686 of 2016

Date of Decision: 26.08.2016

Janak Raj

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Mr. VPS Sidhu, AAG, 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.43 dated 16.5.2015 under Sections 323, 324, 307, 148, 149, 120-B IPC and Sections 427 and 326 IPC (added lateron) registered at Police Station Fattu DHINGA, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner is in custody since 16.5.2015 and as against the 18 witnesses, only 2 witnesses have been examined so far. Even the doctor who has been examined by the prosecution has stated that the injury in the case is not dangerous to life.

On the other hand, learned State counsel, on instructions from HC Maninderjit Singh, though does not dispute the custody period of the petitioner but states that the petitioner has been charged under Section 307 along with other sections and therefore, he is not entitled to be released on bail.

I have heard learned counsel for the parties.

The petitioner is in custody since 16.5.2015 and as against the 18 prosecution witnesses only 2 witnesses have been examined so far. Therefore, taking into account the fact that the trial will take sufficiently long time, no useful purpose would be served to keep the petitioner in custody, the present petition is allowed. The petitioner is admitted on regular bail subject to his furnishing of bail bonds/surety bonds to the satisfaction of the trial Court.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

August 26, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No