

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

CRM -M-2952 of 2017 (O&M)

Date of decision: 09.03.2017

Gian Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioners have sought regular bail in FIR No. 46 dated 18.11.2016, registered under Sections 308, 325, 323 read with Section 34 of IPC, at Police Station Taragarh, District Pathankot.

It is contended that there is an unexplained delay of 09 days in lodging the FIR. The incident took place on 09.11.2016 whereas the FIR was registered on 18.11.2016. The injury attributed to petitioner No.1 on the person of Rajwinder Kaur and Gurpreet Singh are on non vital parts whereas petitioner No.2 is a young boy of 19 years and he has been falsely implicated being son of petitioner No.1 and the injuries attributed to petitioner No.2 are simple in nature. The petitioners are in custody since 28.12.2016.

On the other hand, learned State counsel opposes the bail

application and states that the injury attributed to petitioner No.1 Gian Singh on the person of Rajwinder Kaur has been declared grievous in nature.

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

The dispute is *inter se* the brothers regarding flow of water course. The petitioners do not have criminal antecedents; the challan stands presented, however, the charges are yet to be framed; the conclusion of trial will take a long time, without adverting to the merits of the instant case, this petition is allowed. The petitioners be admitted to bail during the pendency of trial, on their furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

09.03.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No