

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3113 of 2017 (O&M)

Date of Decision: 06.02.2017

Kulwant Singh @ Kanti

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Sushma Chopra, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

Ms. Manjeet Kaur, Advocate for
Mr. Kawaljot Singh, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.52 dated 21.6.2016 under sections 397, 341, 325, 326, 34 I.P.C, registered at Police Station, Lohian, District Jalandhar.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Jaspal Singh in relation to an occurrence that took place on 20.6.2016. Complainant asserted that during the late evening hours while he was going on a motorcycle make Hero Honda Splendor, then, he was accosted by four young persons on two motorcycles. Complainant is stated to have suffered injuries in the occurrence and he was robbed of a handbag containing cash and a cheque book, his purse as also one mobile phone and two SIM cards.

Even as per prosecution version the injury suffered by the complainant on his right leg and with a sharp edged weapon is attributed to co-accused Jaswant Singh and not to the present petitioner. In so far as the present petitioner is concerned, he is alleged to have given two rod blows

upon complainant which have struck on the little finger of the right hand as also on the left arm.

The recovery of the bag, part of the alleged stolen money as also the mobile phone has been effected from the other co-accused and not from the present petitioner.

Petitioner was arrested on 8.8.2016.

Investigation is complete and the challan stands presented on 26.8.2016.

Trial is still at the initial stage and would take time to conclude.

Keeping in view the length of incarceration suffered by the petitioner and coupled with the fact that the injury attracting offence under Section 326 I.P.C is not attributed to the present petitioner, he is held entitled to the benefit of bail.

Accordingly, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Jalandhar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.02.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	Yes