

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

Criminal Misc. No. M-32333 of 2017

Date of Decision:-07.09.2017

Jaipal Bawa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. T.S. Sangha, Sr. Advocate with
Mr. Narinder Singh, Advocate
for the petitioner.

Mr. H.S. Grewal, Additional A.G., Punjab.

FATEH DEEP SINGH J.(Oral)

Allegations against the petitioner Jaipal Bawa in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.0085 dated 30.8.2016, registered at Police Station Barnala, District Barnala, under Sections 323, 341, 325, 307, 148, 149, 506, 120-B IPC, are that on 30.8.2016, petitioner Jaipal Bawa assaulted his wife/complainant Gurpreet Kaur @ Neha by means of iron rod hitting her on leg which injury is opined to be grievous, leading to arrest of the petitioner on 22.6.2017.

Contentions of the learned counsel for the petitioner are that the petitioner is behind the bars since long time and the very

applicability of Section 307 IPC is not made out as there is no such injury and the alleged injury is on non-vital part of the complainant. Further the trial will take long time to its conclusion.

The factual scenario could not be displaced by learned State counsel but he strongly opposed the grant of bail to the petitioner on the ground that the petitioner has assaulted his wife by taking out the pistol from the dub.

Appreciating the submissions of learned counsel for the petitioner that the fire-arm was never used in the crime and the only injury is on non-vital part of the complainant and the fact that the trial will take a long time to conclude and as the dispute is being matrimonial and there would be possibility of re-settlement/conciliation of the relations, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Barnala.

The petition stands disposed off accordingly.

September 07, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No