

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3400-2017

Date of decision: February 07, 2017.

Gian Singh

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Bhaskar Sharma, Advocate for the petitioner.

Shri K.S. Sidhu, Assistant Advocate General, Punjab.

A.B. Chaudhari, J. (Oral):

In FIR No.05 dated 9.1.2016, under Sections 323, 324, 325, 326, 326-A, 148, 149, 506 IPC (Section 308 IPC added later on), registered at Police Station Khanauri, District Sangrur, the petitioner was released on bail by the trial court on 9.6.2016 after his arrest was effected on 29.4.2016.

The allegations against the petitioner are that along with the main accused Pushpinder Singh, Gian Singh had given danda blow on the head and back. The prosecution has thereafter filed chllan with added offence under Section 308 IPC, perhaps for the reason that injury No.1 on the head was of grievous nature. It is in that context that the petitioner was arrested on 10.11.2016 and is in jail since then. From the prosecution case, it appears that the petitioner had given danda blow on the head but it was some other accused who had actually given danda blow on the head of the victim. In that view of the matter, prima facie the petitioner is entitled to

grant of bail looking to the period spent and the fact that the offence under Section 308 IPC was added later on, making the offence triable by the Sessions Court. However, care will have to be taken to impose a condition. In that result, I make the following order:-

ORDER

- (i) Petitioner be released on bail;
- (ii) The petitioner will not enter village Dhabi nor would contact or tamper with the prosecution evidence till the trial is completed.
- (iii) Liberty is reserved in favour of the prosecution to seek cancellation of bail if occasion arises.

February 07, 2017.
kadyan

[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No