

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-35177 of 2016

Date of decision : February 14, 2017

Harry Singh @ Aary

....Petitioner

versus

State of Punjab

....Respondent

Criminal Misc. No. M-35691 of 2016

Gagandeep Singh and another

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr.BS Jattana, Advocate, for the petitioners
Mr. J.S.Brar, AAG, Punjab, for the respondent
Mr. JK Singla, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The aforesaid both the petitions having arisen out of one and same FIR are being taken up together for disposal.

The allegations against these three petitioners namely Gagandeep Singh, Gurwinder Singh and Harry Singh @ Aary in these two regular bail applications under section 439 Cr.P.C. are that on 12.7.2016, the petitioners who were not named along with some other accused who have been duly named and armed with various weapons including sticks have assaulted complainant Bharpur Singh and his family members leading to injuries.

The contentions of counsel for the petitioners are that the petitioners have not been named in the FIR nor test identification parade has been effected and that none of the injuries stand covered under section 307 IPC as the same is lacking by medical means. Though on behalf of learned State counsel as well as counsel for the complainant, bail is sought to be opposed on the grounds that the accused have caused life threatening injuries to the complainant side.

Appreciating the submissions of counsel for the petitioners that the petitioners are in custody for the last more than six months and that the very applicability of section 307 IPC, as per the own stand of the State is a debatable issue, as to the query of the Court, learned State counsel is unable to show any medical evidence to establish it.

In view of the aforesaid and the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, both the applications are allowed. Bail to petitioners namely Gagandeep Singh, Gurwinder Singh and Harry Singh @ Aary to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Mansa.

The present petitions stand disposed off accordingly.

February 14, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No