

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

CRM-M No.41539 of 2016

Date of decision: 16th January, 2017

Inderjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. G.S. Nahel, Advocate for the petitioner.

Mr. P.S. Paul, Dy. Advocate General, Punjab
for the respondent/State.

Mr. Narinder Singh, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Inderjit Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.27 dated 02.04.2016 registered at Police Station Malaudh, District Ludhiana under Sections 307/341/323/326/324/427/148/149 IPC, are that on 01.04.2016 petitioner along with his co-accused Dharmjit Singh alias Dhara and Harbhag Singh alias Bagga etc. had assaulted injured complainant Dara Singh by means of a Kirch. Only three injuries are attributed to the accused, two on the stomach on right side and one on the left arm near elbow. The injuries on the stomach have been opined to be simple while the one on the arm grievous in nature.

Contentions of the learned counsel for the petitioner are that the alleged injury to be grievous is on the non-vital part of the body and offence under Section 307 IPC is not made out.

Though on behalf of the State, learned State counsel on instructions from ASI Sohan Singh assisted by Mr.Narinder Singh, Advocate representing the complainant the bail application has been sought to be opposed. However, perusing the records of the case, especially the medical evidence nowhere suggests that any injury is dangerous to life and thus, a debatable issue has arisen whether offence under Section 307 IPC is made out or not. The petitioner as is stated before this Court, is in custody since 25.04.2016 and trial is likely to take a long time to conclude. Similarly placed co-accused Harbhag Singh @ Baga and Beant Singh @ Beanti have been allowed bail vide orders of this Court dated 26.09.2016 and 29.09.2016 respectively and in view of the principle of parity the petitioner is entitled to the same relief.

In view thereof, 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, Ludhiana.

The petition stands disposed off accordingly.

Records be sent back.

(FATEH DEEP SINGH)
JUDGE

January 16, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No