

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-45307 of 2016

Date of decision : February 22, 2017

Mela Singh

....Petitioner

versus

State of Punjab

....Respondent

Criminal Misc. No. M-522 of 2017

Balkar Singh @ Kala

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JS Dhaliwal, Advocate, for the petitioners
Mr. Gurinderjit Singh, DAG, Punjab for the respondent
Mr. LS Sidhu, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

Both the aforesaid regular bail application filed under section 439 Cr.P.C. are arising out of one and the same FIR and are being disposed of together.

The allegations against petitioners Balkar Singh @ Kala and Mela Singh are that on 26.8.2016, a fight ensued between the accused side and the complainant side leading to injuries to Jagtar Singh son of complainant Surjit Singh.

The contentions of counsel for the petitioners are that the petitioner-Mela Singh in custody since 29.8.2016 whereas petitioner-Balkar Singh @ Kala is in custody since 2.9.2016 and that no offence under

section 307 IPC is made out by any medical means. Though on behalf of State counsel assisted by counsel for the complainant the bail is sought to be opposed on the grounds that the petitioners have taken law into their hands and that the victim was referred to PGI, Chandigarh for expert treatment is sufficient to hold the gravity of the medical injuries so received.

Appreciating the submissions, the petitioners admittedly are in custody since 29.8.2016 and 2.9.2016 respectively and the bare perusal of the medical evidence nowhere reflects that any of the injuries were dangerous to life and which could not be controverted by the learned State counsel or the counsel for the complainant and there is only opinion as to fracture of right Ulna by blunt means which has been opined to be grievous in nature. Thus a debatable issue having arisen about the very applicability of section 307 IPC together with the fact that the trial is not likely to be concluded in near future, without adverting to the merits of the case, both the bail applications are allowed. Bail to both the petitioners namely Mela Singh and Balkar Singh @ Kala to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Mansa.

Both the present petitions stand disposed off accordingly.

February 22, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No