

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

CRM-M-6205-2017 (O&M)
Date of decision: 06.03.2017

DARSHAN SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Jasmail Singh Brar, Advocate
for the petitioner (s).

Mr. A.S. Kler, DAG, Punjab

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No.58 dated 29.08.2016, registered under Sections 307, 452, 323 and 148 of the Indian Penal Code (for short 'the IPC') read with Section 149 IPC, at Police Station Kotbhai, Distt. Sri Muktsar Sahib.

Contents that the petitioner is not named in the FIR. He has been nominated in the present FIR on the basis of supplementary statement, made after four days of the occurrence. Injury No.4, which has been stated to be grievous in nature is not attributed to the petitioner. He is in custody since 18.12.2016

On the other hand, the learned State counsel opposes the

present petition and states that challan is yet to be filed. He further submits that the petitioner armed with baseball bat caused injury to the complainant. However, he fairly concedes that as per FIR, no specific injury is attributed to the petitioner. He states that two of the accused are yet to be arrested.

Heard.

Considering the facts that the petitioner is in custody since 18.12.2016; two of the accused have not been arrested so far; no specific injury is attributed to the petitioner; he has been implicated in the present case on the basis of supplementary statement; challan has not been presented, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

06.03.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No