

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7857 of 2017 (O&M)

Date of Decision: 14.03.2017

Chamkaur Singh & another

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Prateek Pandit, Advocate for
Mr. Vivek Goel, Advocate for the petitioners.

Mr. Neeraj Sharma, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioners in case F.I.R. No.129 dated 25.8.2016 under sections 307, 323, 325, 427, 34 I.P.C and sections 25, 27, 54, 59 of Arms Act, registered at Police Station, City Kotkapura, District Faridkot.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Jasvir Singh in relation to an occurrence that took place on 25.8.2016 and in which his nephew namely Sarabjit Singh suffered injuries.

As per allegations, petitioner no.1 was armed with a *Kapa* and petitioner no.2 was armed with an iron *khanda*.

Counsel for the petitioners has adverted to the document placed on record at Annexure P-1 which is the medical examination conducted of Sarabjit Singh at Jha Neuro and Dental Centre and as per which injury no.1 has been opined to be grievous i.e. an abrasion on the upper eyebrow region.

Annexure P-1 itself reveals that injured Sarabjit Singh was initially taken to Civil Hospital, Kotkapura and then to Guru Gobind Singh Medical College, Faridkot and thereafter brought to a private neuro and dental centre.

On a specific query having been put to learned State counsel and who is on instructions from ASI Jagdish Singh, no opinion of the doctor concerned has been referred to as regards any injury having been opined to be dangerous to life and on account of which offence under Section 307 I.P.C has been cited.

Petitioners have faced incarceration since 16.9.2016.

Investigation in the case is complete, challan stands presented and even charges have been framed. Trial is stated to be at the very initial stage and would take time to conclude.

Without making any observations on merits, present petition is allowed. Petitioners be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Faridkot.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

14.03.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No