

CRM-M-10415-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10415-2018

Date of Decision: 16th March, 2018

Soni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kulwant Singh Dhanora, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.0281, dated 27.12.2016, registered at Police Station Division No.7, District Police Commissionerate Ludhiana, under Section 323, 452, 427, 326, 307, 148 and 149 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner has been attributed to have given a *kirpan* blow on the head of Monu but no corresponding injury has been found as per his medico legal report, which has been prepared by the doctor. In fact the injury which is found on the person of Monu on his head is by a blunt weapon which as per the FIR would be attributable to be a brick-bat injury at the hands of Kalu. Counsel contends that the petitioner is in custody since 09.11.2017, the challan in this case stands presented and no recovery is to be effected from

CRM-M-10415-2018

the petitioner as of now. He further states that the trial is likely to take long time and therefore, the petitioner be granted the concession of bail as it appears that the petitioner has been falsely implicated.

Counsel for the State could not dispute the assertion of the counsel for the petitioner to the extent that no corresponding injury with sharp weapon has been found on the head of injured-Monu. He, however, states that since the offence is serious and the petitioner is involved in the commission thereof, he may not be granted the concession of regular bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that no corresponding injury has been found on the person of injured-Monu especially on head which could be said to be with a sharp edged weapon as the same has been found to be only with a blunt weapon and the petitioner is in custody since 09.11.2017 and the trial is not likely to conclude soon, the present petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

16th March, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No