

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18143-2018

Date of decision: 17.07.2018

Rahul Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhoop Singh, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.291 dated 26.10.2017 under Sections 307, 326, 323, 324, 506, 341 IPC read with Section 34 IPC, registered at Police Station Daba Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner along with co-accused came to the house of the complainant and caused injuries on account of some previous dispute between the parties. Counsel for the petitioner further submits that the petitioner is in judicial custody since 29.10.2017 and is not involved in any other case. It is further submitted that challan has already been presented before the trial Court, charges are framed and the petitioner is no more required for any custodial interrogation. It is also submitted that since no prosecution witness has been examined so far, it will take long time in conclusion of the trial.

Learned counsel for the petitioner has further submitted that as per opinion given by the doctor, the injury sustained by the victim was declared as grievous in nature but not dangerous to life and it is a debatable issue, to be decided during the course of trial, whether Section 307 IPC is attracted or not.

Learned State counsel has filed the custody certificate dated 17.07.2018 and on instructions from HC Mewa Ram, has submitted that the case is now fixed for prosecution evidence, however, no PW has been examined so far.

A perusal of the custody certificate shows that the petitioner has undergone the judicial custody of 08 months and 17 days and is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner has undergone more than 08 months of judicial custody; he is not involved in any other case; prosecution evidence is yet to start and also in view of the opinion given by the doctor, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.07.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No