

CRM-M-19202-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19202-2018

Date of Decision: 11th May, 2018

Gurcharan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.S. Jaidka, 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.153, dated 07.06.2017, registered at Police Station Dakha, District Ludhiana, under Sections 307, 323, 506, 148 and 149 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that as per the allegations in the FIR, petitioner is stated to be armed with a baseball bat with which he had given an injury on right leg below the knee. He states that the petitioner is in custody since 06.12.2017 and challan against him has been presented but because of warrants of arrest having been issued against the co-accused of the petitioner, charge has not been framed till date and therefore, the trial is not likely to conclude soon. He states that the petitioner will appear on each and every date to be fixed by

CRM-M-19202-2018

the trial Court. He prays for grant of concession of regular bail to the petitioner during the pendency of the trial as injury which is attributed to him is on the non-vital part of the body.

Counsel for the State, on instructions from ASI Jagdish Singh, P.S. Dakha, District Ludhiana, opposes the prayer of the petitioner for grant of regular bail by contending that the report of the Orthopedic Surgeon is still awaited and therefore, the nature of injury has not been ascertained. He, however, could not dispute the fact that the injury which has been attributed to the petitioner with a baseball bat is below the knee.

After hearing the counsel for the parties and keeping in view the facts that the petitioner is in custody since 06.12.2017, injury attributed to the petitioner is on the non-vital part of the body and charge is yet to be framed and therefore, the trial is not likely to conclude in near future, this criminal miscellaneous petition is allowed and the petitioner is ordered 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.

11th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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