

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

**CRM-M No.20946 of 2018
Decided on: 06.07.2018**

Rashpal Singh @ Kalu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.103 dated 09.10.2017, for offence punishable under Sections 307, 324, 506 read with Section 34 of the Indian Penal Code (in short 'IPC') (Section 307 IPC added later), registered at Police Station Kathgarh, District S.B.S. Nagar.

Counsel for the petitioner has submitted that as per the allegation in the FIR, it is alleged that the petitioner caught hold of the injured/victim whereas the co-accused Onkar Singh @ Gaggi has caused injury, invoking Section 307 IPC. It is further submitted that initially the FIR was registered under Sections 324/506/34 IPC and Section 307 IPC was added later on and thereafter, the petitioner was arrested.

Counsel for the petitioner has also submitted that the petitioner is in judicial lock up since 01.03.2018 and is not involved in

any other case and the report under Section 173 Cr.P.C. has already been submitted.

Counsel for the State has filed the Custody Certificate today in the Court and has not disputed the factual position as stated by counsel for the petitioner, but opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up since 01.03.2018; he is not involved in any other case; the report under Section 173 Cr.P.C. has already been submitted and the injury invoking Section 307 IPC is not attributed to the petitioner, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

06.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No