

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21249 of 2017

DATE OF DECISION: FEBRUARY 19, 2018

BUTA RAM AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

PRESENT: MR. R.K. DHIMAN, ADVOCATE FOR THE PETITIONERS.
MR. HARBIR SANDHU, AAG, PUNJAB.
MR. R.K. SINGLA, ADVOCATE FOR THE COMPLAINANT.

MAHABIR SINGH SINDHU, J.

The petitioners have filed the present petition under Section 439 of Code of Criminal procedure for grant of bail in case FIR No.20 dated 3.4.2016 under Sections 307, 325, 341, 323, 506, 148 and 149 IPC, registered at Police Station Bilga, District Jalandhar.

A perusal of order dated 21.12.2017 shows that petitioner No.2 has already been granted the concession of bail. However, learned counsel for the petitioners prays that he be allowed to withdraw the prayer for grant of concession of bail qua petitioner No.3-Kharak Singh at this stage.

The prayer is allowed. The petition qua petitioner No.3 stands dismissed as withdrawn.

Learned counsel for the petitioners contended that initially the FIR was registered under Sections 341, 323, 506, 148 and 149 IPC and the petitioners were granted bail by learned trial Court. Thereafter, Section 325 IPC was added on 28.4.2016, however, bail was granted by learned trial Court. Again on 18.5.2017, Section 307 IPC was added in the FIR which resulted in

cancellation of bail already granted to the petitioners. Learned counsel for the petitioners contended that the alleged injuries attributed to the petitioners were not on vital parts and therefore, offence under Section 307 IPC is not made out. It has been further contended that the petitioners never misused the concession of bail earlier granted by learned trial Court on two occasions and they are in custody since 8.5.2017.

Learned State counsel as well counsel for the complainant have vehemently opposed the prayer of the petitioners for grant of bail.

Heard learned counsel for the petitioners, learned State counsel and learned counsel for the complainant and perused the paper book.

A perusal of the case file reveals that the allegations against the petitioners are that they were armed with blunt weapons and caused injuries to Gurbax Singh on his arm and legs. Even otherwise, the petitioners were granted the concession of bail by the trial Court on two occasions and are in custody since 8.5.2017. Charges have already been framed and prosecution evidence is going on. The trial would take a long time and not likely to be concluded in near future. In view of the above facts and circumstances, this Court is of view that no useful purpose would be served in keeping the petitioners inside the jail.

Therefore, the present petition is allowed. Petitioners No.1 and 4 are allowed to be granted the concession of bail to the satisfaction of learned trial Court/Duty Magistrate, Jalandhar.

February 19, 2018
Gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes