

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41093-2017 (O&M)

Date of Decision: 15.01.2018

Gurwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Sumanpreet Aulakh, Advocate for the petitioner.

Ms. Jaspreet Kaur, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This is the second petition preferred under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.30 dated 26.4.2016 under sections 324, 452, 34 I.P.C (offences under sections 326, 307 I.P.C were added later on), registered at Police Station, Moga Sadar, District Moga.

Brief facts that emanate from pleadings on record are that FIR in question was registered on the statement of Balwinder Singh in relation to an occurrence that took place on 25.04.2016. Present petitioner is in fact son-in-law of the complainant.

Complainant asserted that his daughter Kamlesh Kaur @ Shalu was married to the petitioner and out of the wedlock one male child was born. Further asserted that Kamlesh Kaur had got in touch telephonically with the complainant about a month prior to the occurrence that her husband (present petitioner) used to assault her on a regular basis and as such she called upon the complainant to take her back. Resultantly, on 24.03.2016, an application was given by the complainant to the police authorities at Police Station Mehatpur and upon which the petitioner as also Kamlesh

Kaur were summoned to the police station but no settlement/compromise could materialize. Under such circumstances, Kamlesh Kaur as also minor child were brought back to the parental house. Complainant has also asserted that after a lapse of almost 15 days his son-in-law (present petitioner) had come to the village and had thrown a slip of paper and on which it was written that the custody of minor male child be handed over otherwise the complainant party would be burnt alive. Precise allegations are that on 25.04.2016 during the early morning hours, the present petitioner armed with a kirch had made forcible entry in the house of the complainant and had inflicted kirch blows on the right arm, wrist as also on the chest.

Initially FIR was registered under Sections 324, 452/34 IPC and subsequently on the basis of opinion given by the doctor, offence under Sections 326 and 307 IPC were added.

Petitioner is stated to have surrendered on 07.07.2016.

Learned State counsel, who is on instructions upon ASI Jaspal Singh apprises the Court that Balwinder Singh complainant has already been examined before the Trial Court.

Perusal of the M.L.R reveals that injury no.1 suffered by complainant Balwinder Singh and which has been declared to be dangerous to life is an incised stab wound 1.7 cm. by .5 c.m present obliquely on the front of the chest on the left side.

It is not the case made out on behalf of the State that, if, benefit of bail is granted to the petitioner, he would be in a position to hamper the course of a free and fair trial.

Petitioner has faced incarceration since 7.7.2016.

The Trial would take time to conclude.

In the totality of circumstances and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Moga.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.01.2018

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