

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47625-2018 (O&M)

Date of decision:22.11.2018

Azik Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr.Bhrigu Dutt Sharma, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.118 dated 11.07.2018 under Sections 452, 324, 323, 148, 149 of IPC (Section 326 of IPC added later on), registered at Police Station Sadar, District Jalandhar.

Learned counsel for the petitioner contends that even as per the case of prosecution, the injury attributed to the petitioner is simple in nature. The petitioner is in custody since 28.09.2018 and there is no other case pending against him. Counsel further submits that the investigation of the case is already complete. The trial shall take a long time.

On the other hand, learned State counsel submits that the recovery from the petitioner is of *kirpan*. However, counsel for the State has not disputed the fact that the injury attributed to the petitioner is declared to be simple in nature. He further submits that there had been one more case against the petitioner under Section 323 of IPC, however, the petitioner stands acquitted in that case.

In view of the above submissions made by counsel for the petitioner, but without expressing any further opinion on the merits of the

case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

22.11.2018
Hemlata

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