

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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CRM-M-49977-2017

Date of decision: 13.03.2018

Sewa Singh

...PETITIONER

VS.

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.S.Thakur, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No. 123 dated 30.05.2017 under Sections 323, 324, 325, 326, 307, 506, 109, 120-B IPC registered at Police Station Rama Mandi, District Jalandhar.

It is the contention of the learned counsel for the petitioner that the petitioner was arrested on 02.06.2017 and is in custody since then. The challan has although been presented against the petitioner but till date, no charge has been framed. Today i.e. 13.03.2018 was the date fixed before the trial Court where again the case has been adjourned without framing of charges. As per the allegations against the petitioner, he has given three injuries on the person of the complainant-Joginder Singh Jaswal on the legs and left foot. Counsel contends that the co-accused of the petitioner, namely, Balbir Singh and Aman Singh have been granted bail by this Court.

His submission is that the trial is not likely to conclude soon and further incarceration of the petitioner would not serve any purpose.

On the other hand, counsel for the State, on instructions from ASI Hira Singh, Police Station Rama Mandi, District Jalandhar, states that the injury, which has been attributed to the petitioner, is found to be grievous but he could not dispute the fact that it is not on the vital part of the body of the injured-complainant. Assertion with regard to the charges having not been framed could not be disputed. There are 21 witnesses, which have been cited, but as the charge has not yet been framed, none of the witnesses have been examined.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the injuries, which have been attributed to the petitioner, are on the non-vital part of the body of the injured and he is in custody for more than 9 months and the trial is not likely to conclude in near future, the present application is allowed. Petitioner is directed to be released on bail to the satisfaction of the trial Court, Jalandhar.

March 13, 2018*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

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