

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

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**CRM-M No.617 of 2019
Date of Decision : 25.1.2019**

Bahadur Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. G.S.Kaura, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.154 dated 18.11.2016 registered under Sections 323/324/506/34 IPC (Section 326 IPC added later on) at Police Station Kurali District SAS Nagar.

Counsel for the petitioner has stated that Section 326 IPC was subsequently added in the FIR. Counsel for the petitioner has argued that before Section 326 IPC the petitioner was on regular bail but now he was in custody since 18.10.2018. He has argued that as per the FIR the complainant had stated that he was dancing in a marriage function and had some altercation with some unknown people but it was settled. Thereafter, as he and his friends came out, some other unknown people came and caused injuries to him and his friend. This occurrence took place on 11.11.2016. As per the FIR, the complainant was given one Kirpan blow from the reverse on head and one kirpan blow from the front on his right wrist. However, the complainant was not willing to make statement though the police repeatedly

fit to make statement). He ultimately made his statement only after 5 days and on that occasion he named the accused persons without disclosing how he had come to know that they were the guilty persons and even subsequently he has not disclosed what was his source of information that the present accused persons were the ones who had caused injuries to him and his friend.

Custody certificate (photocopy) dated 25.1.2019 by way of affidavit of Gurcharan Singh Dhaliwal, PPS, Deputy Superintendent Central Prison, Patiala has been filed on behalf of the respondent-State, the same is taken on record. Copy has been supplied to the opposite counsel. As per the same the petitioner has undergone custody for a period of 3 months and 7 days in this case and other cases are pending against him.

Learned DAG on instruction from HC Parminder Kumar has accepted these factual assertions.

In the circumstances, keeping in view the above facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly. Bail to the satisfaction of concerned CJM/Illaqa Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

25.1.2019
anuradha

(AJAY TEWARI)
JUDGE

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