

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

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**CRM-M No.2619 of 2019.
Date of Decision: 06.05.2019.**

Surjit Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Manjit Singh Uppal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Copy of medical opinion and M.L.R. are taken on record, subject to all just exceptions.

Present petition under Section 439 of the Criminal Procedure Code (for short, 'Cr.P.C.') has been filed for grant of regular bail to the petitioner in case F.I.R. No.49 dated 18.05.2018 under Sections 307, 325, 323, 148, 149/34 of the Indian Penal Code (in report under Section 173 Cr.P.C., Sections 148 and 149 IPC were deleted and Section 325, 34 IPC were added), registered at Police Station Jhunir, District Mansa.

Learned counsel representing the petitioner contended that the petitioner has been falsely implicated in this case and it is a case of version and cross version. The other party, who are accused in a case under Section 326 IPC have already been released on bail. As per M.L.R. and medical

opinion available on the file, there was no such injury which was dangerous to life, rather injured Avtar Singh was discharged from the hospital after five days and as per opinion of doctor also, the injury is not dangerous to life as on 23.05.2018. The petitioner is in custody since 07.09.2018 and trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so the petitioner be released on bail.

Learned State counsel has affirmed the period of detention of the petitioner and the medical opinion having been filed in this case.

In view of the above facts that the petitioner is in custody since 07.09.2018 and it is a case of version and cross version. The medical opinion does not make out a case under Section 307 IPC, rather a case under Section 325 IPC only; however, at this stage, without commenting anything on the merits of the case, which may not cause prejudice to any of the party and taking into consideration the fact trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bar any more, the present petition is allowed. Petitioner-Surjit Singh is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

06.05.2019

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No