

Sr. No.209

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

**CRM-M-3069-2019(O&M)
Date of decision:02.04.2019**

Jassu @ Jaskaran Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. N.S.Nandiwal, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

Mr. Ashish Gupta, Advocate
for the Complainant.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.125, dated 16.08.2018 for the offences punishable under Sections 307,324,323,148,149 IPC and Sections 25/27 of Arms Act, registered at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner submits that even as per the case of the prosecution, the alleged injury attributed to the petitioner are on elbow and wrist of the complainant. Even these injuries are on non-vital part of body. Hence Section 307 IPC has not been invited in the case on the basis of either of the injuries attributed to the petitioner. It is further submitted that the petitioner is in custody since 08.10.2018. There is no other case against the petitioner. Challan has already been filed, therefore, the petitioner is not required for any investigation purposes.

On the other hand, State counsel being assisted by ASI Darshan

Singh, submits that the petitioner was part of unlawfull assembly in which injuries were caused by gun shot by the member of the group. However, it is not disputed that the petitioner is not responsible for inviting Section 307 IPC in the case. It is also not disputed that there is no other case against the petitioner and the challan has already been filed.

In view of the above, but without commenting upon the merits of the case, the petition is allowed. Petitioner is granted the concession of bail pending trial. He be released on bail pending trial subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

2nd April, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*