

**S.No.214**

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

\*\*\*\*

**CRM-M-3972 of 2019 (O&M)**

**Date of Decision:13.05.2019**

**Lovejit Singh**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:- Mr. Deepak Arora, Advocate  
for the petitioner.

Mr. Prabhjot Singh Walia, AAG,  
Punjab.

\*\*\*\*

**Rajbir Sehrawat, J.(Oral)**

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.0163 dated 08.12.2018 registered under Sections 323, 325, 307, 148, 149 IPC at Police Station Cantt. Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that the case against the petitioner is concocted. Otherwise also, there is a delay of about two and half months in lodging the FIR. It is further submitted that, in fact, it is a case of version and cross-version in which even the petitioner was caused injury by one of the injured from the other side, although the Police have not registered case on his complaint. It is also submitted by the counsel that in order to create evidence against the petitioner, the injured went only to the private hospital. They were referred to the PGI, Chandigarh, but they did not even appear at the PGI to get the treatment or get the nature of the injuries declared. Otherwise also, the MLR prepared by the government hospital shows the injuries caused to the complainant to be only grievous in

nature, not inviting Section 307 IPC. It is also submitted that the petitioner is in custody since 11.12.2018. Challan has already been filed. The petitioner is not required for any investigation purposes. There is no other case against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned State Counsel, being instructed by ASI Kuldip Singh, submits that for about 15 days, the injured was not even fit to make the statement. Therefore, the delay in lodging the FIR had taken place. However, it is not disputed that as per the MLR, prepared by the government hospital, the nature of injury is declared to be only grievous in nature. There is no opinion as to the injury being dangerous to life. It is also not disputed that despite the reference to the PGI, Chandigarh, the injured had chosen not to take treatment from PGI, Chandigarh or to take opinion of the PGI Chandigarh qua the nature of the injuries. Still further, it is not disputed that the challan has already been filed and that there is no other case against the petitioner.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

**May 13, 2019**  
**renu**

**( RAJBIR SEHRAWAT )**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |