

Sr. No.214

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

CRM-M-3751-2019(O&M)

Date of decision:20.03.2019

Baljit Singh @ Gareebu

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Neeraj Jain, Advocate
for the petitioner.

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

Mr. Rajiv K.Mattoo, Advocate
for the complainant.

Rajbir Sehrawat, J(Oral)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.134 dated 21.06.2018 under Sections 323, 148, 149, 341 of IPC and Sections 307, 120-B added later on, registered at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. The name of the petitioner is not mentioned in the FIR. It is further submitted that there is delay of 3 days in lodging the FIR. This time has been utilized by the complainant to falsely involve the petitioner in this case. Although, the allegation against the petitioner is that he was armed with Kirpan, but no specific injury is attributed to him. The police has not been even able to recover any kirpan from the petitioner. Otherwise also, the very fact that the complainant got treatment in private hospital; instead of government hospital, shows his

intention to create the record. It is further contended that the injuries attributed to the petitioner are not declared dangerous to life. The petitioner is in custody since 03.10.2018 and there is no other case against him. Challan has already been filed. The trial shall take long time.

On the other hand, learned State counsel submits that the petitioner was part of a group which caused as many as 18 injuries to the complainant. However, it is not denied that nothing has been recovered from the petitioner. It is also not disputed that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

20th March, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*