

S.No.276

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

CRM-M-5791 of 2019 (O&M)

Date of Decision:25.03.2019

Gurwinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gurvinder Singh Sidhu, Advocate
for the petitioner.

Mr. P.S. 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.115 dated 13.09.2018 registered under Sections 307, 452, 324, 325, 323, 506 IPC at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the case against the petitioner is concocted for malafide reasons. However, even if the case of the prosecution is taken to be true; still the injuries attributed to the petitioner are either simple in nature or are on non-vital part. It is further submitted by the petitioner that the petitioner is in custody since 01.09.2018. Challan has already been filed. Even the charge has been framed. However, no evidence has been led by the prosecution so far. In any case, the petitioner is not required for any investigation purposes. There is no other case against the petitioner.

On the other hand, learned counsel for the State, being instructed by ASI Harminder Singh, submits that the injury No.7 has been found to be grievous in nature. However, it is not disputed that the injury

No.7 is also on arm. It is also not disputed that there is no other case against the petitioner and that the challan has been framed in the case but no evidence has been led so far.

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 bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

March 25, 2019	(RAJBIR SEHRAWAT)
renu	JUDGE
Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No