

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

210

CRM-M-11308-2019 (O & M)
Date of Decision:13.05.2019

Gurjant Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurmeet Singh Saini, Advocate for
Mr. Mehar Singh Rai, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. B.S. Sidhu, Advocate for the complainant.

MANOJ BAJAJ, J.(ORAL)

Petitioners have filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.09 dated 18.01.2019, under Sections 307 and 34 IPC, registered at Police Station City-1 Abohar, Tehsil Abohar, District Fazilka.

The prosecution case is that the complainant and his brother are running Nepali Chicken Centre. On 16.01.2019 three boys on two motorcycles came to their shop. The registration number of one of the motorcycle was PB-22Q-4393. Thereafter they sat on a table and ordered one cold drink and some namkeen. They brought the whisky bottle with

them and started consuming it. Out of them, one accused namely Gaurav was already known to complainant. The others were calling each other by the name of Robin and Gurjant. One of the accused Robin after consuming whisky started urinating in the shop itself and when he along with his brother tried to stop him, they all three started calling them with bad names and when thereafter, at 1.15 pm, complainant asked about the payment of bill, then Robin picked up the *kapa* used for cutting meat and gave reverse blow of *kapa* on complainant's neck. Thereafter Gaurav and Gurjant Singh caught hold of the complainant and stated that after coming to Punjab these Nepalis have polluted Punjab and today, they will kill them.

Learned counsel for the petitioners contends that the petitioners have not caused any injury which invited the offence punishable under Section 307 IPC as the said injury is attributed to accused Robin. It is pointed out that the challan in the said case has already been filed and further custody of the petitioners may not be justified, who are in custody since their arrest on 19.01.2019.

On the other hand, learned State counsel assisted by ASI Gurmail Singh as well as the counsel for the complainant have opposed the bail application on the ground that the petitioners along with their co-accused had caused serious injuries to the complainant. However, it is not disputed that the solitary injury suffered by the victim was caused by Robin.

Considering the case set up by the prosecution, and the fact that the trial is likely to consume some more time to conclude, further detention of the petitioners may not be justified. Therefore, without meaning any expression on the merits of the case, the petition is allowed and the

petitioners are ordered to be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

13.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No