

Sr. No.207

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

CRM-M-14028-2019(O&M)
Date of decision:27.05.2019

Arjun Thakur

..... Petitioner

versus

State of U.T.,Chandigarh

..... Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present petition has been filed for seeking bail pending trial in FIR No.357, dated 20.11.2018 for the offences punishable under Sections 307, 506, 34 IPC and Sections 25,54,59 of Arms Act, 1959 registered at Police Station Sector 26, Chandigarh.

Learned counsel for the petitioner submits that although Section 307 IPC has been invoked in this case because of use of fire arm, however, the allegation against the petitioner is not regarding use of any fire arm. The use of fire arm is alleged only against co-accused. The allegation against the petitioner is that he caused injury on the on the head of the injured by giving a blow with a liquor bottle. However, even the injury caused by the said bottle blow has been found to be simple in nature. The petitioner is in custody since 30.11.2018. Challan has already been filed in the case. There is no other case against the petitioner.

On the other hand, learned APP appearing for U.T., Chandigarh, being instructed by S.I. Satvinder, submits that the very fact that the petitioner caused injury on the head of the injured shows his

intention. Otherwise also, participation of the petitioner is established by the fact that he has caused injury to the injured. However, it is not disputed that the injury attributed to the petitioner has been found to be simple in nature. It is also not disputed that the petitioner is in custody since 30.11.2018, the challan has already been filed in this case and that there is no other case against the petitioner.

In view of the submissions made 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.

27th May, 2019
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*