

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

**Criminal Misc. No. M-28386 of 2018
Date of decision: 10.01.2019**

Pancham @ Panchamnoor Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Navkiran Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent -State.

Mr. Parminder Singh-I, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Pancham @Panchamnoor Singh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.90 dated 12.07.2017 registered under Sections 365, 368, 323, 506, 148, 149 IPC and Section 25 of the Arms Act as well as Section 307 read with Section 120-B IPC added later on at Police Station Division No.6, Jalandhar during pendency of the trial.

Learned counsel for the petitioner submits that there was unexplained delay of four days in lodging of the FIR as the alleged incident took place on the intervening night of 08.07.2017 but the matter was reported to the Police on 12.07.2017. Learned counsel further submits that the petitioner has been implicated because FIR No.12 dated 22.01.2017

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under Section 307 read with Section 34 IPC and Sections 25/27 of the Arms Act at Police Station Division No.7, Jalandhar was got registered by him. The complainant was harassing a girl, who was also made accused but subsequently, she has been released on regular bail by the Additional Sessions Judge, Jalandhar. Learned counsel also submits that co-accused of the petitioner namely, Vishal @ Sachin and Nitin Dhawan have also been released on regular bail by the lower Court. The petitioner is in custody since 09.03.2018 and subsequently, supplementary challan was presented against him on 08.06.2018 and charges have not been framed so far. The trial may take some time to conclude and no purpose would be served by keeping the petitioner in custody. Learned counsel also submits that offence under Section 307 IPC has been added whereas no offence is made out as neither opinion of doctor is there nor any nature of injury has been specified.

Learned State counsel as well as learned counsel for the complainant have not disputed the custody period; stage of trial as well as release of co-accused on regular bail. Even no opinion has been given by the doctor that the injuries attributed to the petitioner were dangerous to life or grievous in nature. It has also not been disputed by learned State counsel that one FIR No.12 dated 22.01.2017 was registered at the instance of petitioner against one member of the gang to which the complainant belongs.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents available on the file.

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In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody since 09.03.2018; the Court is unable to understand as to how offence under Section 307 IPC has been made out when no opinion of the doctor is there; co-accused of the petitioner have been released on regular bail; the case is fixed for framing of charges; the trial may take time to conclude; no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Pancham @ Panchamnoor Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

10.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No