

107+210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29340-2018 (O&M)

Date of decision:08.04.2019

Major Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

Mr. Sanjeev Kumar, Advocate for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

CRM-10476-2019

Application is allowed. The documents as Annexures P-4 and P-5 are taken on record.

CRM-M-29340-2018

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.0067 dated 04.11.2017 under Sections 307, 323, 324, 506, 382, 148, 149 of IPC (Sections 326 and 379-B added later on), registered at Police Station Mattewal, Amritsar.

Learned counsel for the petitioner contends that the case against the petitioner is based upon the story concocted by the complainant. Even as per the case of the complainant, the only injury attributed to the petitioner is on non-vital part, i.e. on the left hand. None of the injury caused to the complainant has been declared to be dangerous to life. Therefore, Section 307 of IPC is not even attracted in this case. The petitioner is in custody since 28.04.2018. The trial has already started and the petitioner is not required for any investigation purposes. The complainant himself has been delaying the evidence and he could be

examined only after the order passed by this Court. It is also submitted that there is no other case against the petitioner. There are 23 prosecution witnesses and only 01 witness has been examined so far. Therefore, the trial is likely to take long time for conclusion. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, learned counsel for the State submits that the petitioner is involved in a serious crime inviting Section 307 of IPC. Injuries have been duly attributed to the petitioner. Therefore, the participation of the petitioner is duly established on record. However, it is not disputed that none of the injuries caused to the complainant has been declared as dangerous to life. It is also not disputed that there is no other case against the petitioner and that out of 23 witnesses, only one witness has been examined in this case, so far. The custody of the petitioner since 28.04.2018 is also not denied by the learned counsel for the State.

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.

(RAJBIR SEHRAWAT)
JUDGE

08.04.2019
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No