

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

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**C.R.M-M No.23443 of 2019
Date of Decision : 28.05.2019**

Gagan Masih @ Mehak Masih

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vinay Kumar, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

AJAY TEWARI, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.35 dated 23.07.2018 registered under Sections 302 , 506, 148, 149 IPC at P.S. Qadian, Police District Batala, Gurdaspur.

Counsel for the petitioner has argued that the petitioner who is a juvenile was alleged to be a part of unlawful assembly which attacked and caused injuries to the deceased. He has further argued that the petitioner has been in custody for the last more than 10 months and injury attributed to him is not fatal injury.

On instructions from ASI Kuldeep Singh has accepted these factual assertions. However, on a specific query the learned Deputy Advocate General on instructions from the investigating officer has stated that the challan has been presented against the petitioner as a juvenile and

no order has been passed to try him as an adult.

Keeping in view the entire conspectus of facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Ordered accordingly. Bail to the satisfaction of the concerned C.J.M/Illaq Magistrate/trial Court/Duty Magistrate.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

May 28, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No