

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51410-2018 (O&M)

Date of decision:08.04.2019

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Anurag Chopra, Advocate
for the petitioner.

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

Ms. Sushma Chopra, Advocate for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.205 dated 30.06.2018 under Sections 307, 323, 506, 148, 149 of IPC (Sections 324 and 325 added later on), registered at Police Station Dakhan, District Ludhiana

Learned counsel for the petitioner submits that the case against the petitioner is totally manipulated. However, even as per the case of the prosecution, the petitioner is alleged to have given blow on the head of the complainant with an iron rod. The complainant had remained in hospital only for five days and even that for another injury; received on his leg, which is not attributed to the petitioner at all. Still further, it is submitted by the learned counsel for the petitioner that the petitioner is in custody since 04.07.2018. Charge has already been framed. Therefore, the petitioner is not required for any investigation purposes. It is also submitted that there is no other case against the petitioner. There are 13 witnesses in the case and none has been examined so far. Hence, the petitioner be released on bail pending trial. Learned counsel for the petitioner has further submitted that

the co-accused of the petitioner has already been granted concession of bail by this Court.

On the other hand, learned counsel for the State, being assisted by Ms. Sushma Chopra, Advocate for the complainant and being instructed by ASI Hakam Singh submits that the injury attributed to the petitioner has been declared to be dangerous to life, which has invited Section 307 of IPC. However, it is not disputed that the petitioner is in custody since 04.07.2018 and that the charge has already been framed. It is also not disputed that there are 13 witnesses in the case and none has been examined so far. Still further, it is not disputed that there is no other case against the petitioner.

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