

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

**CRM-M No.23725 of 2019
Decided on: 20.08.2019**

Kanwaljit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. Deepak Grover, Advocate
for Mr. Karan Chaudhary, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0079 dated 20.08.2017, for offence punishable under Sections 326, 325, 324, 323, 148, 149 of the Indian Penal Code (in short 'IPC') (Section 307 IPC stands deleted and Section 326 IPC has been added later) registered at Police Station Dera Baba Nanak, District Batala.

Counsel for the petitioner has submitted that it is a case of version and cross-version and in the cross-version from the petitioner's side one Lakhwinder Masih sustained injuries and in the said cross-version, the accused persons namely Didar Singh, Baljit Singh,

Bikramjit Singh, Amrinder Singh and Baljit Singh, have already been granted the concession of anticipatory bail by the Additional Sessions Judge, vide order dated 25.09.2017. It is further submitted that as per the allegations in the FIR, the petitioner has given 04 datar blows, 02 directly on the right elbow and 02 blows from the reverse side of the datar on the right wrist and right little finger. Counsel for the petitioner has referred to the first MLR of the petitioner, which was conducted by the Civil Hospital, Fatehgarh Churian to submit that 06 injuries were found which are lacerated wounds and thereafter the complainant – Baljit Singh got another MLR from Civil Hospital, Batala where 16 injuries have been reported. It is further argued that it will be the matter of trial and for the prosecution to show how there is a variation in the 02 MLRs. It is also submitted that the petitioner is in custody since 10.05.2019; challan has been presented; charges have been framed and the offences are triable by the Court of Magistrate.

Counsel for the State, on instructions from ASI Rashpal Singh, has not disputed the factual position.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 10.05.2019; challan stands presented; charges have been framed; the offences are triable by the Court of Magistrate and it will take some time in conclusion of the trial, this petition is allowed and the petitioners are directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

20.08.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No