

S.No.218

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

CRM-M-27403 of 2019 (O&M)

Date of Decision:05.07.2019

Ajay Singh @ Gaggi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.182 dated 23.05.2019 registered under Sections 307, 324, 323, 506, 148, 149 IPC at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner submits that the name of the petitioner has unnecessarily been dragged in this case. It is further submitted that although the FIR involves offence under Section 307 IPC, however, the petitioner is not the person to whom the injury inviting Section 307 IPC has been attributed. Even as per the case of the prosecution, the petitioner has been attributed injury on the left elbow of the injured/complainant. However, this injury has been declared to be simple in nature. It is also submitted that the petitioner is in custody since 24.05.2019 and the investigation qua him has been completed. He is not required for any investigation purposes. It is also submitted that there is no other case against the petitioner.

On the other hand, learned State Counsel submits that the petitioner has rightly been named in the FIR. A specific injury has been attributed to the petitioner, therefore, the petitioner has been shown to be common participant in the incident where a grievous injury was caused to the complainant. However, it is not disputed that the injury actually attributed to the petitioner has been declared simple in nature. It is also not disputed that there is no other case against the petitioner and that the petitioner is not required for any investigation purposes.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 05, 2019**renu****(RAJBIR SEHRAWAT)****JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No