

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

CRM-M No.32894 of 2019
DATE OF DECISION : 19th SEPTEMBER, 2019

Gurpreet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. K. S. Aulakh, Deputy Advocate General, Punjab.

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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.167 dated 05.12.2018 registered under Sections 307, 341, 323, 324, 506 & 34 IPC (Sections 325 & 326 IPC, added later on) at Police Station Dhanaula, District Barnala.

It is contended by counsel for the petitioner that the case against the petitioner is concocted. Even as per the case of the prosecution the allegation against the petitioner is of having caused injury on the shoulder of the complainant. However, that injury is not even alleged to be dangerous to life. It is further submitted that the shoulder cannot be described as a vital part; as well. Therefore, the ingredients of Section 307 IPC are not even attracted in this case. Still further, it is submitted that the petitioner is in custody since 12.12.2018. The challan in this case has already been filed. Charge has also been framed. Therefore, the petitioner is not required for any investigation purposes.

Still further it is submitted that there is no other case against the petitioner.

On the other hand, counsel for the State, being instructed by ASI Gurmeet Singh, submits that the petitioner is involved in heinous crime. The injury attributed to the petitioner is a fracture in the shoulder of complainant. However, it is not disputed that the petitioner is in custody since 12.12.2018 and 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.

19TH SEPTEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>