

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

**Crl. Misc. No.M-39722 of 2019 (O&M)
Date of Decision: September 24, 2019**

Jagdev Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aminder Singh, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 90 dated 29.07.2018 registered at Police Station Khanauri, District Sangrur for the offence punishable under Section 324 read with Section 34 of Indian Penal Code (for short-IPC) (Sections 326 and 450 IPC added later on).

Heard.

Notice of motion.

On asking of the court, Mr. Amitoj Singh Dhaliwal, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Petitioner was earlier allowed regular bail in this case vide

punishable under Sections 324, 326 read with Section 34 IPC.

Learned counsel for the petitioner submits that before the bail bond could be filed, police presented challan for the offence punishable under Sections 326 and 450 IPC. As the petitioner has not been allowed bail for the offence punishable under Section 450 IPC, he has filed the present bail application.

Learned State counsel submits that challan has been presented against the petitioner for the offences punishable under Sections 326 and 450 IPC and he has also been charge-sheeted for these offences. In the order dated 29.08.2019 (Annexure P-3), learned trial Court appears to have mentioned due to some typographical mistake that charge for the offence punishable under Section 304 IPC has been framed. The petitioner has, in fact, caused injuries to the complainant, whose father was earlier murdered by him and was convicted and sentenced in that case.

Perusal of the custody certificate shows that petitioner was convicted in case bearing FIR No.71 dated 07.07.2004 registered at Police Station Khanauri for the offence punishable under Section 302 and 324 IPC. His sentence in that case was suspended in the year 2010.

On merits, petitioner was allowed regular bail vide order dated 23.07.2019 passed in CRM-M-27570-2019 for causing injuries to the complainant.

Keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Order of regular bail dated 23.07.2019 passed in CRM-M-27570-2019 is affirmed for the offence punishable under Section 450 IPC as well on the same terms as

mentioned in that order.

September 24, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*