

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

220/4

**CRM-M No. 39977 of 2019
Date of Decision : 8.11.2019**

Pawan Kumar @ Pamma

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Achin Gupta, Advocate, for the petitioner

Mr. Harbir Sandhu, AAG, 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. 40 dated 7.3.2019, registered under Sections 307/450/325/323/427/148/149 IPC and Sections 25/27/30 of Arms Act, 1959 at Police Station Canal Colony, Bathinda.

It is contended by counsel for the petitioner that although Section 307 IPC has been added in the case, however, there is no fire arm injury sustained by any person in this case. Even qua the other injuries, if any, only Section 323 IPC has been alleged. The petitioner is in custody since 26.4.2019. The challan has already been presented. Therefore, the petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

On the other hand, counsel for the State, being instructed by HC Malkit Singh, has not disputed that there is no fire arm injury received by any person in this case. It is also not disputed that the petitioner is in custody since 26.4.2019 and that challan has already been presented.

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

8.11.2019
Ashwani