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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42335-2019
Date of decision-31.10.2019

Sharma

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Sharma has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.19 dated 19.01.2019 registered under Sections 326, 325, 452 and 148 read with Section 149 of Indian Penal Code, 1860 at Police Station Jandiala, District Amritsar. The petitioner is in custody since his arrest on 07.05.2019.

The FIR was registered on the statement of complainant, namely, Guddi wherein it was alleged that on 13.01.2019, when complainant was present at her home with other family members, then Jitender, Hardev Singh, Shiv Raj, Shamsher Singh, Joginder Kaur, Mandeep Singh, Iqbal Singh, Sonu, Sharma (petitioner) Gurpreet Singh, Parkash Kaur, Biro and 4-5 other unknown persons armed with glass bottles, kirpans, dataar and wooden logs entered the house of the complainant. Then petitioner gave

glass bottle blow which hit on the left eye of the complainant whereas other accomplice of petitioner gave brick bat blow which hit the forehead of the complainant. On these broad allegations FIR was registered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He contends that the alleged injury attributed to the petitioner is on non vital part of the body. He further submits that the charges have been framed on 05.08.2019 and trial is yet to commence. Therefore, further custody of the petitioner may not be required.

On the other hand, learned State counsel assisted by ASI Mewa opposed the prayer on the ground that the offence is serious in nature and petitioner has been specifically named in the FIR. However, it is not disputed that the investigation of the case is complete.

After hearing learned counsel for the parties, this Court is of the opinion that the offences are triable by Magistrate and trial of the case is likely to consume considerable time as the prosecution is yet to examine its witnesses, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Amritsar.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

31.10.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No