

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-46209-2019

Date of Decision:21.11.2019

Malkit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.86 dated 02.06.2019 under Sections 452, 354, 323, 506, 148, 149 IPC, 1860 (the offence under Section 326 IPC was added later on), registered at Police Station Chheharta, District Police Commissionerate Amritsar.

Learned counsel for the petitioner states that no injury is attributed to the petitioner, which attracts the offence under Section 326 IPC. In fact, the injury whereby offence under Section 326 IPC is attracted, has been attributed to co-accused Satnam Singh. As per FIR, petitioner-Malkit Singh has attacked Ajaideep Singh with the kirpan causing one injury on the left thumb and the other from its reverse side on his waist, but both the injuries are simple in nature. Petitioner is in custody since

28.08.2019. Moreover, the incident in the case has taken place on

31.05.2019, whereas the FIR was registered on 02.06.2019, therefore, there is an inordinate delay in lodging the present FIR.

Learned State Counsel, on instructions from ASI Gurpartap Singh, states that the injuries attributed to the petitioner are simple in nature and the injury which attracts the offence under Section 326 IPC has been caused by co-accused Satnam Singh.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 28.08.2019. The injuries attributed to the petitioner on the person of Ajaideep Singh with kirpan i.e. on the left thumb and the other blow from its reverse side on his waist, are simple in nature. Trial in the case is not likely to be concluded in the near future, therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

November 21, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No