

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12071-2020

Date of Decision : 08.05.2020

Pala SinghPetitioner

Versus

State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. P.S.Sekhon, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 4 dated 11.01.2019 under Sections 307, 332, 363, 186, 323, 224, 148, 149 IPC registered at Police Station Kot Ise Khan, District Moga.

The learned counsel for the petitioner contends that a perusal of the FIR clearly reveals that no offence under Section 307 IPC is made out against the petitioner. It has been further contended that an inquiry was conducted by the DSP (Major Crime) Moga (Annexure P2) subsequent to the registration of FIR which found the petitioner and his sons innocent as they were not present at the spot at the time of the alleged occurrence which lends credence to the factum of petitioner having been falsely implicated in the instant case. It has been thus prayed that the petitioner be granted the concession of regular bail as he has been behind bars since 01.03.2020 coupled with the fact that the injury allegedly attributed to the petitioner

was found to be blunt in nature.

The learned State counsel on the other hand has vehemently opposed the grant of concession of regular bail to the petitioner by contending that there are serious and specific allegations levelled against the petitioner and his sons of attacking the police party as a result of which the police personnel suffered injuries. However, the learned State counsel has not been able to controvert the submission of the learned counsel for the petitioner that the injuries suffered by the police personnel were simple and blunt in nature.

Heard.

Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 01.03.2020. Hence, no useful purpose would be served by keeping the petitioner behind bars as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

08.05.2020
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No