

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

**CRM-M-12833-2020 (O&M)
Date of decision: 08.06.2020**

Jagsir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

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

Ms. Samina Dhir, DAG, Punjab.

Mr. Aman Pal, Advocate,
for the complainant.

Ritu Bahri, J.

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.158 dated 03.09.2019, under Sections 308/341/323/325/506/447/201/34 (Section 307 IPC added later on), registered at Police Station, Sadar Sangrur, District Sangrur.

Petitioner is in custody since 11.09.2019. It is a case of version and cross-version and this fact is not being disputed by learned counsel for the parties. As per medical report dated 02.09.2019 (Annexure P-7), petitioner has also suffered three injuries in the incident. A perusal of the order dated 13.11.2019 (Annexure P-3) passed by the ACJM, Sangrur, shows that bail was granted to the present petitioner under Section 167 Cr.P.C. in all other offences. However, keeping in view that offence under Section 307 IPC was also made out, the petitioner could not get the benefit of bail under Section 167 Cr.P.C.

Learned counsel for the petitioner refers to the order dated 02.03.2020 (Annexure P-11) passed by this Court in CRM No. M-54474 of 2019, whereby co-accused Jaswant Singh was ordered to be released on bail. While passing the said order, it was observed that medical opinion with

respect to the injuries was given on 14.11.2019, ACJM, Sangrur passed the order on 13.11.2019 (Annexure P-3). Without a medical opinion, observations could not be made that the petitioner was not entitled to get the benefit of the provisions of Section 167 Cr.P.C.

Learned counsel for the complainant is opposing the bail application on the ground that injury, which was dangerous to life, was caused to a 70 years old person.

In any case, in the present case, after presentation of challan and framing of charges, 25 witnesses of prosecution have to be examined. Till date, none of the witnesses has been examined.

Heard.

Keeping in view the period of incarceration of the petitioner and the fact that the trial will take some time for its conclusion, this Court feels that no purpose will be served by detaining the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Sangrur.

(RITU BAHRI)
JUDGE

08.06.2020
ajp

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No