

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CRM- M-15399 of 2020

Date of Decision: 29.7.2020

Sanju @ Kamal

---Petitioner

versus

State of Punjab

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. R.K.Handa, Advocate
for the petitioner**

Mr. G.G.Dhuriwala, Sr. DAG, Punjab

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 37 dated 23.5.2020 registered at Police Station, Behrampur, District Gurdaspur for offence punishable under Sections 323, 324 read with Section 34 of the Indian Penal Code (in short "IPC") and offence under Sections 326 and 379 IPC added later.

Counsel for the petitioner would argue that as per medico legal report of injured, he sustained three injuries in the form of bruises. It is further argued that even if one of the injuries was found to be fracture on X-Ray examination, the same, at best, would be an offence under Section 325 IPC but the police has wrongly added offence under Section 326 IPC. It is further argued that petitioner is in custody since first week of June 2020 and may be released on bail.

Counsel representing State of Punjab would concede to this

position that offence would be under Section 325 and not under Section 326 IPC. He would further inform that investigating officer has been instructed to make necessary correction in records.

The petitioner is in judicial custody, thus, no longer required for the purpose of investigation. The presentation of challan and conclusion of trial is likely to take its own time. There is no allegation against the petitioner that he is likely to flee from process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of Illaqa Magistrate/Duty Magistrate, Gurdaspur. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without previous permission of the Court.

Disposed of.

(Rekha Mittal)
Judge

29.7.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No