

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

208

CRM-M No.23913 of 2020

Date of Decision: August 27th, 2020

Baljit Singh alias Niku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Ms. Gursharan K. Mann, Advocate
for the petitioner.

Mr. B.S. Sewak, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.0090 dated 19.07.2019 registered under Sections 379-B/323/324/148/149 IPC (Section 326 added later on) at Police Station Sultanwind, District Amritsar Rural.

It is the contention of learned counsel for the petitioner that the injury although attributed to the petitioner has been found to be grievous as per the Medical Board as stated by the counsel for the State, however, the same is on a non-vital part of the body. Further, petitioner is in custody for more than 6 months and the trial is not likely to conclude in near future as after the presentation of the challan, no further proceedings have taken place as the charge till date has not been framed. She, therefore, prays that the petitioner be granted the concession of regular bail as the co-accused was granted bail by this Court vide order dated 06.08.2020 (Annexure P-2) in *CRM-M No.17077 of 2020 titled as Hardeep Singh Sonu Versus State of Punjab*.

On the other hand, learned counsel for the State submits that the Operating Surgeon has opined that the injury, which has been caused by the petitioner with a *datar*, has been found to be grievous. He, however, could not dispute the custody period of the petitioner as it is apparent from the certificate, which has been placed on record, according to which the petitioner is in custody for 6 months and 7 days.

Keeping in view the fact that the injury, which is attributed to the petitioner, is on the non-vital part of the body, challan stands presented, the custody period and the trial is not likely to proceed in near future because of the prevailing circumstances, the present petition is allowed.

Petitioner is ordered to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

August 27th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No