

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212)

CRM-M-26391 of 2020

Date of Decision: 16.12.2020

Gora Masih @ Surjit Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vipin Mahajan, Advocate, for the petitioner.
Mr. Amit Mehra, Sr. DAG, Punjab.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of regular bail, upon FIR no.28, dated 17.04.2020, having been registered at Police Station Kahnuwan, District Gurdaspur, alleging therein the commission of offences punishable under Sections 307, 326, 324, 323, 506 and 34 of the IPC.

Learned counsel for the petitioner submits that as a matter of fact a cross case in the form of a complaint before the competent court has also been instituted, with the petitioner and his father also having suffered injuries, one of them being grievous in nature, with the remaining three injuries being simple in nature, and with the petitioner having been in custody for about 8 months now, with the trial still to commence, and it being the only case registered against the petitioner, the petitioner deserves to be admitted to bail.

Learned State counsel on the other hand submits that there being three injuries on the head of the complainant all of which were declared to be dangerous to life and there being 5 other injuries (though with a blunt weapon and not dangerous to life), the petitioner does not deserve to be admitted to bail. However, he does not deny that, as per his instructions, no other criminal case is registered against the petitioner.

That being so, without making any comment on the actual merits of the case, looking at the allegation specifically qua the petitioner, with the complainant also having been discharged from the hospital and stated to be in a fit condition now, the present petition is allowed, with the petitioner ordered to be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned.

16.12.2020
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No