

CRM-M-39164-2020 (O&M)

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

**CRM-M-39164-2020 (O&M).
Decided on: December 22, 2020.**

Suraj Masih

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Varinder Basa, Advocate,
for the petitioner.**

Mr.Luvinder Sofat, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Through Video Conference

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.54 dated 24.7.2020, under Sections 323, 324/34 IPC and Section 326 IPC added later on, registered at Police Station Kotli, Surat Mallian, District Gurdaspur.

Learned counsel for the petitioner has submitted that the present case is a case of version and cross-version and role attributed to the petitioner is that he had given a blow by datar on the non-vital parts of the

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injured. He has further pointed out that all the injuries were simple in nature but injury No.4 was declared to be grievous and therefore, provisions of Section 326 IPC were added later on. He has further submitted that in the present case the investigation of the case is already complete and challan stands presented and no recovery is to be effected from the petitioner and the petitioner is already in custody for a period of more than 1 month and 16 days and he is not involved in any other case.

On the other hand learned State counsel has submitted that it is correct that the petitioner is in custody for the last more than 1 month and 16 days and investigation is complete and challan stands presented. He has further submitted that no recovery is to be effected from the petitioner. However, he has opposed the grant of regular bail to the petitioner on the ground that later on Section 326 IPC, was added.

I have heard the learned counsel for the parties.

It is a case of version and cross-version and the investigation of the case is already complete and as per the learned counsel for the parties no recovery is to be effected. It is not the case of the State that in case the petitioner is released on bail, he may influence any of the witness or tamper with the evidence.

Consequently, considering the totality of the circumstances, I deem it fit and appropriate to admit the petitioner on bail. The present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the concerned trial Court/Duty Magistrate.

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However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

December 22, 2020.	JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No