

CRM No. M-55495-2019

Date of Decision : 10.01.2020

Captain Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. B.S. Goraya, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

VIVEK PURI, J.(Oral)

The petitioner is seeking regular bail in FIR No. 134, dated 16.10.2019, under Sections 323, 324, 326, 452, 148, 149, of IPC, 1860 and section 25 of Armed Act, 1959 registered at Police Station Majitha Road, District Amritsar.

In occurrence dated 11.10.2019 in an altercation between Mehakdeep Singh, complainant was admitted in Guru Nanak Dev Hospital, Amritsar for treatment. Thereafter on 15.10.2019 at 1.00 PM petitioner armed with Datar and others came to the hospital. The co-accused Nishan Singh was armed with Datar, Amritpal Singh was armed with Kirpan, Ranjit Singh and Lovepreet Singh with base ball bats and they were accompanied by three-four unidentified persons and two persons with muffled faces. The petitioner inflicted two Datar blows below the knee on the right leg, Nishan Singh inflicted two blows with Datar below the knee on the left leg, Amritpal Singh inflicted given two Kirpan blows on the left thigh and back side of waist. Ranjit Singh and Lovepreet Singh inflicted injuries by means of base-ball bats. One person with

muffled face was standing at the door with a pistol and alarm was raised by cousin of the complainant and all the accused persons after living one Kirpan and Datar in the hospital room ran away with their respective weapons.

It has been stated by the learned counsel for the petitioner that his arrest was effected on 17.10.2019. The injury no.1 and 2, which are on the legs of the injured, fall under Section 326 IPC. Nishan Singh, co-accused has been granted the concession of pre-arrest bail vide order dated 16.12.2019 in CRM-M-49216-2019. The injured has since been discharged from the hospital.

Learned State counsel has not disputed the factual position. Learned State counsel has stated that the recovery of the weapons has already been effected.

The co-accused of the petitioner has already been granted concession of pre-arrest bail. The injured has also been discharged from the hospital. Investigation of the case is almost complete. The case is triable by Judicial Magistrate 1st Class. No useful purpose will be served to keep the petitioner behind the bar as custodial interrogation of the petitioner is not necessary and offences are triable by the Judicial Magistrate, 1st Class. As such, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10.01.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned?

Yes

Whether reportable?

No