

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-864-2021 (O&M)
Date of Decision:- 14.1.2021

Simranjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of offence under Section 307 IPC which has been added subsequently in FIR No.266, dated 24.12.2019, Police Station City South Moga, District Moga, under Sections 323, 325, 148, 149 IPC (Section 307 IPC added later on).

2. The FIR in question was lodged at the instance of Amandeep Singh wherein it is alleged that he was caused injuries by Jassa Singh @ Juri armed with '*khanda*', Simran Dhaliwal armed with '*khanda*', Ninder Singh, Sharan Dhaliwal and Puneet Dhillon armed with '*khanda*' and 'iron rods' and by Gurbhir Singh who was armed with iron rod.
3. Learned counsel for the petitioner has submitted that when the FIR was initially lodged on 24.12.2019, the petitioner was ordered to be released on bail as all the offences were bailable. It has further been submitted that now after 10 months, an opinion has been furnished by the doctor that the injury attributed to a non-applicant co-accused is dangerous to life and on account of which offence under Section 307 IPC has been added on 5.10.2020 and consequently the petitioner was arrested on 16.10.2020. Learned counsel has submitted that during the interregnum of about 10 months there is nothing to suggest that the petitioner had ever misused the concession of bail and that in any case after the arrest of the petitioner on 16.10.2020, the petitioner as of now has been behind bars since the last about 3 months.
4. Opposing the petition, learned State counsel has submitted that since the petitioner himself is also attributed grievous injury on leg, therefore, no case for grant of bail is made out.
5. I have considered rival submissions made out.
6. Having regard to the fact that the petitioner has remained on bail for a good 10 months after he was initially released on bail and also that as

of now the petitioner after addition of offence under Section 307 IPC has been behind bars since the last about 3 months and there is nothing on record to suggest that he had ever misused the concession of bail when he remained on bail for 10 months, the petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

January 14, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No