

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

109)

CRM-M-33721-2020

Date of Decision: 09.09.2021

Amrit alias Jagga

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Chander Shekhar Sharma, Advocate, for the petitioner.

Mr. H.S.Multani, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No. 146, dated 09.06.2020, having been registered at Police Station Shahkot, District Jalandhar (Rural), alleging therein the commission of offences punishable under the provisions of Sections 324/326/34 of the IPC.

Pursuant to the last order passed, an affidavit of the DSP, Shahkot, dated 04.09.2021, has been filed, stating therein that the arm of the victim, Jasbir Singh, has not been dismembered from his body but there was a fracture in the left elbow as also the left wrist of the victim.

The injury report as also the X-ray report with regard thereto have been annexed as Annexures R-1 and R-2 respectively.

Without making any mention of a CT scan in the affidavit, a report dated 06.06.2020, has been annexed as Annexure R-3, showing therein that a CT scan was 'done' on the head of the victim (Jasbir Singh), with it eventually stated that there was no significant abnormality detected in the scan of the head.

The affidavit alongwith the annexures is ordered to be taken on record.

Learned counsel for the petitioner submits that in view of the above, the petitioner already having been in custody for almost 1 year and 3 months, with the trial not even having commenced so far, he deserves to be admitted to bail.

Though otherwise on the merits of the case, in my opinion (only for the purpose of a petition filed under Section 439 of the Cr.P.C.), he may not have been entitled to bail at all, looking at the allegations against him, yet with it not denied by the learned State counsel that he has been in custody for 1 year, 2 months and 24 days, with not even the charge framed so far and with there being no other criminal case registered against him, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

September 09, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES

Whether Reportable : NO