

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

**CRM-M-1217 of 2022
DECIDED ON: 28th January, 2022**

Nirbhai Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. P.P.S. Duggall, Advocate for petitioner.
Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

Aggrieved of the order dated 13.10.2021, dismissing the second bail, the petitioner is before this Court seeking regular bail in case of FIR No.64 dated 7.5.2020, under Sections 307, 324, 341, 506, 188, 148, 149 IPC, 1860 and Section 25/27 of Arms Act, 1959, registered at Police Station Kulgari, District Ferozepur.

Earlier petition for bail before this Court was dismissed as withdrawn.

The FIR was at the instance of Sukhdev Singh. It was alleged that on 6.5.2020 in an incident the accused inflicted injuries upon the complainant. The role attributed to the petitioner is that he gave injury with sword blow on the left side of the head of complainant.

Learned counsel for the petitioner submits that Section 307 IPC has been invoked in the present case whereas the injuries sustained by the complainant were declared simple in nature. He further relies upon the fact that the matter has been compromised between the parties. The submission is that the petitioner is in custody since 29.5.2020, investigation is complete and

the petitioner is not involved in any other criminal case.

Learned State counsel has filed custody certificate. He opposes the grant of bail, however, is not in a position to dispute that the injury attributed to the petitioner was declared simple as per MLR.

Without commenting upon the merits of the case, considering the custody period, the role attributed to the petitioner and the gravity of allegation as also the fact that the petitioner has no criminal antecedents, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

28th January, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>