

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-18325-2023

Date of Decision: 24.04.2023

Shinderpal Singh alias Shindu

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Grewal, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Sandeep Moudgil, J. (Oral)

The present petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioner in case FIR No. 65 dated 02.12.2022, under Sections 324,323,148,149 (Section 307 IPC and 325 IPC added later on) of Indian Penal Code, 1860 IPC registered at Police Station Jaurkian, District Mansa.

Learned counsel for the petitioner contends that though Section 307 IPC has been added later on, but the injury attributed to the petitioner is declared grievous in nature and, therefore, Section 307 IPC cannot be attributed to the petitioner. He further contends that at best the petitioner can be tried under Section 325 IPC considering the nature of injury given on head frontal corporal with blunt weapon.

In the light of the aforesaid facts and circumstances that the petitioner is in custody since 03 months 28 days and the nature of injury shown, Section 307 is *prima facie* not attracted *qua* the petitioner, this court is of the considered view that no useful purpose would be served by keeping

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the petitioner behind bars, the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate, Mansa.

The petition stands allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

24.04.2023
Harish Kumar

(SANDEEP MOUDGIL)
JUDGE

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |