

(2010) 09 P&H CK 0376

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-21416 of 2010

Deepak Kumar

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Sept. 8, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 167(2)
- Penal Code, 1860 (IPC) - Section 394

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Final Decision: Allowed

Judgement

L.N. Mittal, J.

Deepak Kumar has filed this petition for bail in case FIR No. 72 dated 8.3.2009, u/s 394 IPC, Police Station Maqsudan, District Jalandhar.

2. I have heard learned Counsel for the parties and perused the case file.

3. According to the prosecution version, on 4.3.2009 at about 10.15 PM, two young boys waylaid complainant Amandeep Mahi and snatched Rs. 1000/- and a mobile telephone from him. One of the culprits also inflicted blow with knife like weapon in the abdomen of the complainant. The said injury was opined to be dangerous to life.

4. Learned Counsel for the petitioner contended that the petitioner is in custody since 11.3.2009 i.e. for almost one and half years and by now not even a single prosecution witness has been examined. This factual position is not controverted by learned State Counsel after seeking instructions from SI Kewal Kishore. Learned State Counsel, however, submits that petitioner"s co-accused Arjan Sharma who was on bail, jumped bail on 24.5.2010 and therefore, prosecution witnesses could not be examined. It was also submitted that even prior to it, prosecution witnesses came present in the trial court but were not examined for one reason or the other.

Arjan Sharma was granted bail by the Magistrate in view of proviso to Section 167(2) Cr.P.C. Learned State Counsel on instructions states that injury inflicted to the complainant is attributed to petitioner's co-accused and not to the petitioner.

5. Keeping in view all the circumstances but without commenting anything on merits, the instant bail petition is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jalandhar.