

(2006) 07 P&H CK 0255

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 37467-M of 2006

Jagpal Singh @ Bhola

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 25, 2006

Acts Referred:

- Penal Code, 1860 (IPC) - Section 324, 325, 34

Citation: (2006) 3 RCR(Criminal) 888

Hon'ble Judges: Virender Singh, J

Bench: Single Bench

Advocate: S.P.S. Sidhu, for the Appellant; Ashutosh Hoshiarpuri, AAG, Punjab, for the Respondent

Final Decision: Allowed

Judgement

Virender Singh, J.

Crl. Misc. No. 42825 of 2006

Allowed as prayed for.

Crl. Misc. No. 42824 of 2006

This is an application for taking on record copy of MLR of Gurpreet Singh injured, Annexure P-1.

Crl. Misc. is allowed. Annexure P-1 is taken on record.

Crl. Misc. No. 37467-M of 2006

1. Jagpal Singh alias Bhola is praying for regular bail in case FIR No. 31 dated 1.4.2006, under Sections 307, 323, 324, 325, 452, 34 IPC, registered at Police Station Bhadaur.

2. I have heard learned counsel for both the sides. Documents on record have also been perused.
3. Mr. Sidhu submits that except the petitioner all other co-accused have been granted the concession of bail. he then submits that the bail of the petitioner has been declined by the learned Additional Sessions Judge, Barnala vide impugned order dated 22.6.2006 primarily on the ground that he has caused the main injury on the head of Gurpreet Singh complainant. Drawing my attention to the MLR (Annexure P-1) of Gurpreet Singh injured Mr. Sidhu submits that he has received as many as five injuries. Injury No. 1 which is on the scalp is attributed to the petitioner whereas injuries No. 2 and 4 have been declared as grievous. The aforesaid grievous injuries are not attributed to the present petitioner. Those injuries are by blunt weapon. He then submits that so far as injury No. 1 is concerned, the opinion of the doctor is that there was profused bleeding from the said injury and therefore, possibility of the same being dangerous to life cannot be ruled out. Mr. Sidhu submits that the said injury on the scalp allegedly attributed to the petitioner has not caused any fracture and therefore, in the light of the aforesaid opinion, the said injury does not come within the mischief of Section 307 IPC. According to Mr. Sidhu it may fall within the ambit of Section 324 IPC ultimately. Then submits that the petitioner is in custody since long and the trial of the present case is likely to take a considerable time to conclude.
4. On the basis of the aforesaid submissions, learned counsel for the petitioner prays for regular bail.
5. Bail application is opposed by the learned State counsel.
6. Having regard to the facts of the case and without commenting on the merits of the case especially with regard to the opinion of the doctor concerning injury No. 1, lest it may prejudice the case of either side at the relevant stage of the trial, the petitioner who is stated to be in custody since long, deserves the concession of regular bail.
7. Resultantly the instant application is allowed. Petitioner Jagpal Singh is ordered to be released on bail on his furnishing regular bail bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Barnala.