

(2010) 12 P&H CK 0549

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. 32311-M of 2010

Lakhwinder Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Dec. 2, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Penal Code, 1860 (IPC) - Section 307, 323, 324, 326, 34

Hon'ble Judges: Jaswant Singh, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Jaswant Singh, J.

Prayer u/s 439 Code of Criminal Procedure is for grant of regular bail in case FIR No. 48 dated 6.7.2010 under Sections 307/326/324/323/34 IPC, P.S Joga, District Mansa.

2. As per allegations levelled by Gurdev Singh, his nephew Satnam Singh was being encouraged to have drugs in the company of the Petitioner. On the day of occurrence, Satnam Singh was allegedly travelling on a motorcycle along with Petitioner and his father Roop Singh. On being asked to let go Satnam Singh, it is averred that it was Satnam Singh, who had instigated the Petitioner and his father to inflict injuries to his brother Jagdev Singh. It is alleged that Petitioner-Lakhwinder Singh and his father Roop Singh were armed with kirpans and they inflicted four injuries on the person of Jagdev-nephew of complainant-Gurdev Singh.

3. Learned Counsel submits that two injuries attributed to the Petitioner i.e. on the head and thumb were opined to be simple in nature. Further submits that in the present case, investigations are over and challan presented and the Petitioner is in custody since 26.7.2010. It is also contended that there is a cross version also at the instance of Roop Singh, who has suffered injuries on his eye at the hands of Jagdev Singh.

4. Learned state counsel, on instructions from ASI Baldev Singh, concedes that the challan has been presented and charges have been framed. He also concedes that the Petitioner is in custody since 26.7.2010. He further submits that the injured Jagdev Singh had remained in hospital for 17 days.

5. Without commenting upon merit of the case and taking into account the custody period and the fact that the trial is likely to take sufficient time to conclude, I find that no useful purpose would be served by keeping the Petitioner in custody any longer.

6. Accordingly, petition is allowed and the Petitioner is ordered to be released on bail to the satisfaction of the learned Chief Judicial Magistrate, Mansa.