
(2006) 08 P&H CK 0076

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 37150-M of 2006

Bagha Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 01-08-2006

Acts Referred:

Penal Code, 1860 (IPC) — Section 307, 324

Citation : (2007) 1 RCR(Criminal) 631

Hon'ble Judges : Rajive Bhalla, J

Bench : Single Bench

Advocate : Gorakh Nath, for the Appellant; B.S. Baath, AAG, for the Respondent

Judgement

Rajive Bhalla, J.—Prayer in this petition is, for grant of regular bail in case FIR No. 36 dated 5.4.2006, registered u/s 307 IPC at Police Station Jhunir, Distt. Mansa.

2. Counsel for the petitioner contends that the petitioner was initially arrested u/s 324 of the IPC and as the offence was bailable, he was released on that very day. However, subsequently, as the X-ray of the complainant's skull, revealed a fracture to the right temporal bone, the police invoked Section 307 IPC and arrested the petitioner. It is further contended that as the complainant has recovered, investigation is complete and charges have been framed, no purpose would be served by incarcerating the petitioner.

3. Counsel for the respondent submits that as the petitioner inflicted a head injury with a Gandasa, with an intention to kill or to cause such injury as is likely to cause death, the present petition be dismissed.

4. I have heard learned counsel for the parties and perused the paper book.

5. As noticed herein above, the petitioner was initially released on bail. He was subsequently arrested, as the X-ray of the complainant's skull, revealed a fracture to the right temporal bone. The petitioner has been behind bars since

28.4.2006. The complainant has not suffered any permanent disability and has recovered fully. Pursuant to the presentation of the challan, charges have been framed and the trial is in progress. No purpose would be served by incarcerating the petitioner any further.

6. Counsel for the respondent has not expressed any apprehension that if released on bail, the petitioner would subvert the trial and/or try to win over the witnesses.

7. Bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Mansa.

8. Nothing stated herein shall be construed to be an expression of opinion on the merits of the case.