

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22503-2018 (O&M)

Date of decision: 17.09.2018

Sahil Hans

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Harpreet Multani, AAG, Punjab.

Mr. KS Dadwal, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Sahil Hans, has prayed for grant of regular bail in case FIR No. 145 dated 30.12.2017 (Annexure P-1) registered under Sections 307, 323, 324, 341, 427, 148 and 149 IPC at police Station Haryana, District Hoshiarpur.

According to the prosecution, in the evening of 19.12.2017, complainant-Ashwani Kumar along with his mother-Shakuntla Devi and friend-Swaraj Thakur, while returning to their village were waiting for daughter of the complainant at Haryana Stoppage on Dolwaha Road. In the meanwhile, the petitioner along with his four accomplice, armed with kirpans and rods came there and caused injuries to the complainant.

Learned counsel for the petitioner *inter alia* contends that

initially, after the occurrence, the complainant was hospitalized on the same day and was discharged on the next day i.e. on 20.12.2017, declaring his all four injuries simple in nature. However, after 9 days i.e. on 29.12.2017, the complainant deliberately and intentionally admitted himself in a private hospital and obtained a fictitious report from the alleged treating doctor that injuries suffered by the complainant could be dangerous to life, if, not treated on time. Petitioner is in custody since 05.01.2018. Nothing has to be recovered from him. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel assisted by learned counsel for the complainant vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Sahil Hans, is ordered to be released on bail pending trial, on his furnishing adequate bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

September 17, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No