

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-25094 of 2018
Date of Decision: 24.08.2018

Ved Parkash

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jatinder Pal Singh, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

Mr. Manu Loona, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.62 dated 09.06.2017 registered for offences punishable under Sections 325/323/341/34 of Indian Penal Code (for short, "IPC") at Police Station Sadar Abohar, District Fazilka. (Offence punishable under Section 308 IPC was added later on).

Heard.

Petitioner was arrested in this case on 13.07.2017. The dispute between parties pertain to passage. Injury on the person of Pala Ram were initially declared grievous and later on dangerous to life.

Learned State counsel submits that challan against the petitioner has been presented in Court and the case is now fixed for evidence of prosecution.

Learned counsel for the petitioner submits that vide order dated

13.07.2018, this Court had directed the trial Court to record statement of complainant/injured witnesses. Examination-in-chief of complainant was recorded and thereafter, application was moved for amendment of charge, which has not been decided so far. The complainant is avoiding to appear and seeking exemption from his appearance only to delay disposal of the case with the sole motive to keep the petitioner in custody.

Learned State counsel assisted by learned counsel for complainant submits that injury suffered by Pala Ram was on back as well as front side of head, which are very serious in nature. The prosecution will make all the attempts to conclude its evidence after the application seeking amendment of charge is disposed of.

Petitioner is in custody for the last more than one year and it is submitted that there are 24 witnesses to be examined in this case.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Ved Parkash is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the

petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

August 24, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No