

CRM-M-36231-2018

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-36231-2018

Date of Decision: 28.08.2018

Abhishek Mahajan @ Honey

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ritesh Pandey, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. S.S.Goraya, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.13 dated 14.03.2018, registered at Police Station Division No.1 Pathankot, District Pathankot, under Sections 307, 326, 323, 324, 148 and 149 of the Indian Penal Code.

Notice of motion has been issued. Learned State counsel has appeared on behalf of respondent-State and complainant has also appeared through his counsel.

I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

From the record, I find that as per the allegations, injury dangerous to life has been attributed to co-accused, Raja who caused injury to Pushkar Mehra. Perusal of record shows that the present

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petitioner has also received injuries. It is a case of version and cross-version. The medical board which was constituted for giving opinion qua the injuries, has not given any specific opinion about nature of injury suffered by Subham on his head due to non-availability of operation notes and other documents.

Learned counsel for the petitioner states that injury on the head of Subham was also attributed to two persons. The petitioner is named in the FIR and stated to be armed with *kirpan*.

Challan has already been presented. The petitioner has been in custody since 11.05.2018. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of case will take a long time. No useful purpose will be served by keeping him in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail; without expressing any opinion on the merits of the case and in view of the fact that it is still to be determined on the basis of evidence by the trial Court as to who is the aggressor party, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

28.08.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No