

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

Sr. No.206

CRM-M-44520-2016 (O&M)

Date of decision : 04.04.2018

Harpal Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.K. Walia, Advocate, for the petitioner.

Mr. K.S. Sindhu, DAG, Punjab.

Mr. Gurjit S. Latheri, Advocate, for respondent No.3.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks cancellation of bail granted to respondent No.3 vide order dated 15.11.2016.

As per the impugned order, the reasons for grant of bail were that in fact, there was a cross-case registered against the complainant earlier in point of time and that the injury was on the non-vital part of the body.

Learned counsel for the petitioner submits that the observation of the learned trial Court that the cross-case had been registered earlier in point of time is factually incorrect. The FIR was registered on 17.06.2016, whereas the DDR No.7 on the complaint of respondent No.3, was registered on 18.06.2016. Moreover, said DDR was investigated by the police and it was found to be not believable. Moreover, a fire-arm injury even on a non-vital part of the body is a serious offence and the learned trial Court has treated the same very lightly.

Learned State counsel submits that injury was infact on non-vital part of the body although, the observation of the learned trial Court regarding the cross-case was factually erroneous. On being asked he states that respondent No.3 has not misused the concession of bail and now, the trial is

nearing completion as four prosecution witnesses have already been examined and only four remain to be examined.

Learned counsel for respondent No.3 opposes the prayer for cancellation of bail for the reason that the trial is nearing completion and that respondent No.3 has never violated any condition of the bail granted to him.

Having heard learned counsel for the parties at length I am of the view that although, the order of learned trial Court is factually erroneous, cancellation of bail would not be appropriate. Respondent No.3 has faithfully complied with the conditions of bail imposed upon him and it would be unduly harsh to cancel the bail especially when the trial is nearing completion.

Thus, the petition is dismissed. However, the trial Court is directed to expedite the trial and complete the same within a period of four months from the date of receipt of a certified copy of this order.

(SUDHIR MITTAL)
JUDGE

04.04.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No