

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.213

CRM-M-19316-2019 (O&M)

Date of decision : 16.12.2019

Rahul @ Rahul Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Tarun Vir Singh, Advocate, for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.132 dated 12.11.2018, registered at Police Station Division No.2, Pathankot, District Pathankot, under Sections 307, 324, 323, 148, 149 IPC.

Learned counsel for the petitioner submits that the petitioner has been in custody since 17.12.2018 and the trial is still at the initial stages as even PW-1 has not been fully examined. The petitioner does not have any criminal antecedents and thus, he may be released on regular bail.

Learned State counsel does not dispute the fact that the trial is at the initial stages. He, however, submits that the petitioner is attributed an injury with a pointed instrument and the same was declared dangerous to life. Thus, the petitioner does not deserve to be released on regular bail.

Whether, the injury attributed to the petitioner is dangerous to life or not shall be decided by the trial Court and in case a finding is returned against the petitioner, he will be adequately punished for it. At this stage, it is clear from the record that the trial is not likely to be concluded at an early date as even the first prosecution witness has not been completely examined.

It is not disputed that the petitioner does not have any criminal antecedents

and thus, no useful purpose would be served by keeping the petitioner in custody indefinitely.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(SUDHIR MITTAL)
JUDGE

16.12.2019

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No