

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

CRM-M-50635-2018

Date of decision: July 22, 2019

Deepak Kumar

....Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Munish Puri, Advocate
 for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the present petition is for grant of regular bail in FIR No. 22 dated 9.3.2018 under Section 307 IPC, registered at Police Station Sujanpur, District Pathankot.

Counsel for the petitioner submits that as per the allegations in the FIR, the petitioner indulged with victim-Mohd. Riaz Bani in some altercation and, thereafter, he attacked on him with a hammer, which hit on his head. Thereafter, he caused injures to him and when he shouted for help, then complainant-Pankaj Kumar came to his help.

Counsel for the petitioner submits that the petitioner is in custody since 10.3.2018. The conclusion of the appeal will take some time and complainant-Pankaj Kumar, who appeared as PW1, got the FIR registered against petitioner-Deepak Kumar, has not supported the prosecution version.

Learned State counsel, however, on instructions from ASI Jagdish Singh, has submitted that victim-Mohd. Riaz Bani is not in a position to walk or depose in the Court on account of the injuries sustained and, therefore, the statement could not be recorded by the trial Court.

In reply, the counsel for the petitioner has submitted that without prejudice to his right, the petitioner is ready to pay a sum of Rs. Two Lac towards the medical expenses of injured -Mohd. Riaz Bani.

After hearing counsel for the parties, without commenting anything on the merits of the case, considering the fact that the petitioner is in custody since 10.3.2018 and the complainant has not supported the prosecution version and that the petitioner has given an undertaking that he will pay a sum of Rs.Two Lac to victim-Mohd. Riaz Bani by way of a demand draft, this petition is allowed, the petitioner is directed to be released on bail, subject to his furnishing surety/bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate and on handing over the demand draft before the trial Court, which shall further be handed over to the victim-Mohd. Riaz Bani.

The petition stands disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

July 22, 2019
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No