

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.210

CRM-M-42261-2018 (O&M)

Date of decision : 27.3.2019

Munish Dhawan @ Manu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Salil Bali, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

Mr. CL Verma, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.134 dated 28.4.2018, registered at Police Station Daba, District Ludhiana, under Sections 307, 323, 34 IPC.

Learned counsel for the petitioner submits that the petitioner has been in custody for more than 09 months. The trial is still at the initial stage as only 02 PWs have been partially examined out of total 20 PWs. Although, the allegation against the petitioner is that he inflicted an injury declared dangerous to life, there is conflicting evidence on record and thus, it cannot be said with any amount of precision that the petitioner inflicted the said injury. There is no criminal case pending against the petitioner and similarly, situated co-accused, namely, Ashish Dhawan @ Ashu, has been granted regular vide order dated 12.9.2018, passed by this Court in CRM-M-31221-2018 (P9). Thus, the same concession may be granted to the petitioner as well.

Custody certificate dated 27.3.2019, prepared by Sh. Narpinder Singh, PPS, Deputy Superintendent, Central Prison, Ludhiana, has been filed

by the learned State counsel in Court and the same is taken on record.

According to this certificate, the petitioner has undergone actual custody of 10 months and 04 days and that there is no criminal case pending or decided against him.

Learned State counsel as well as counsel for the complainant do not dispute that total 20 PWs have been named by the prosecution and only 02 have been partially examined.

On merits, the prayer for regular bail has been opposed on the ground that the petitioner has inflicted the injury declared dangerous to life.

Having heard learned counsel for the parties and having gone through the record, I refrain from making any observation on the merits of the case. Any observation made by me, at this stage, might prejudice the case of the parties. Suffice to say that on the basis of evidence on record as on date, nothing definite can be said against the petitioner. The petitioner has been in custody over 10 months now and there is no criminal case pending or decided against him. The trial is still at the initial stage and it would be unfair to keep the petitioner in custody indefinitely.

Thus, keeping in view the facts and circumstances of the case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner-Munish Dhawan @ Manu, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

27.3.2019
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No