

CRM-M-42412-2019 (O&M)

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

**CRM-M-42412-2019 (O&M).
Decided on: February 06, 2020.**

Sunish Kumar @ Johny

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT

**Mr.Gaurav Rana, Advocate,
for the petitioner.**

Mr.Ajay Pal Singh Gill, DAG, Punjab.

**Mr.Nigam Bhardwaj, Advocate, for
Mr.Aman Mittal, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

CRM-3810-2020

This is an application for correction of the headnote and prayer clause of the main petition in view of the fact that offence under Section 325 IPC has been substituted with offence under Section 326 IPC.

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The application is allowed. Correction in the headnote as well as prayer clause be carried out accordingly.

Main case

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short the 'Cr.P.C.'), seeking regular bail in FIR No.298 dated 15.10.2018 under Sections 307, 326, 323 and 506 IPC, registered at Police Station, Model Town, Ludhiana.

The learned counsel for the petitioner has submitted that in the present case a fight took place in which although as per the FIR, the allegations have been levelled against the petitioner but in said fight petitioner had also suffered stab injuries at the hands of the complainant. He has further submitted that even FIR No.18 dated 14.12.2018, under Sections 323 and 325 IPC, was also registered at Police Station Model Town, Ludhiana on the basis of statement of the petitioner. He further submits that investigation in the case is complete and the case is pending trial and the petitioner is in custody for the last more than 1 year and 2 months.

Learned State counsel, on instructions from ASI Davinder Kumar, states that in the present case is a case of fight in which an FIR also stood registered against the complainant on the statement of the petitioner and the matter is pending trial. It is further stated that out of 19 witnesses, 6 have already been examined. However, he submits that there are three other cases pending against the petitioner out of which one is under the NDPS Act in which the petitioner has been discharged and remaining two are pending.

I have heard the learned counsel for the petitioner as well as learned State counsel and have gone through the record of the case.

Considering the fact that the petitioner is in custody for the last 1 year and 2 months and most of the witnesses have already been examined and further it is also not disputed that it is a case of cross version where even the petitioner has also lodged an FIR against the complainant alleging that he has been stabbed, I deem it a fit case where the petitioner can be admitted on regular bail. Consequently, the petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 06, 2020.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No