

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44667-2019

Date of Decision: 08.01.2020

Vishal Sharma

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ritesh Toman, Advocate for
Mr. Kartik Gupta, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.16 dated 09.02.2019, under Sections 323, 325, 326, 120-B, 148 and 149 IPC, registered at Police Station Sadar, District Hoshiarpur. He is in custody since his arrest on 06.05.2019.

The FIR in the present case was registered on the statement of complainant Karan Mehra, wherein it was stated that he along with his coach Harpreet Singh had gone to the birthday party of his friend, namely, Mohit, where he met with accused Vishal Sharma and Deepanshu and unknown persons and some hot words were exchanged with the accused and later on, the accused left the party. After some time, the complainant and Harpreet Singh also left for their houses and when they reached near Vaishano Devi Mandir, Vishal Sharma, Gulli and 8-9 persons armed with khanda, kirpan and danda respectively reached there on four motorcycles and inflicted injuries upon the complainant and Harpreet Singh. Accused

Vishal Sharma gave a khanda blow on the left side of the back of the head

and another khanda blow on the back of the left hand of the complainant. Thereafter, the accused fled away with their respective weapons from the spot. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that two injuries attributed to the petitioner are simple in nature and on the non vital parts of the body. He submits that the material witness (complainant) has been examined and trial is likely to consume considerable time and, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Balbir Singh has opposed the prayer, however, it is not disputed that the complainant has been examined.

After hearing learned counsel for the parties and considering the custody of the petitioner, this Court finds that as the complainant stands examined and the trial is likely to consume considerable time, therefore, further custody of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Hoshiarpur.

The petition is allowed.

08.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No