

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

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CRM-M-1405-2021 (O&M)

Date of Decision: 27.10.2021

Vicky @ Vikram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sultan Singh Gill, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Hardeep Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.100 dated 12.05.2020 at Police Station Kamboj, District Amritsar Rural, under Sections 323/324/326/148/149 IPC.
2. The FIR was lodged at the instance of John Joy, wherein it is alleged that on 25.04.2020, when he alongwith his cousin Mani was proceeding to market on his Aactiva Scooter bearing registration No.PB02-DR-3529, then at about 6:00 PM, they were waylaid by George armed with *Kirpan*, Dona armed with *Datar*, Sajjan @ Topi armed with *Khanda*, Vicky armed with *Datar*, Manpreet @ Mannu armed with *Salaggar*, Harjinder Singh @ Gujjar armed with *Kirpan*, Yusuf armed with *Kirpan* and Rajan armed with *Datar*. It is alleged that Manpreet @ Mannu raised

lalkara exhorting his companions to teach a lesson to the complainant for helping Saleem during the quarrel with them previously. It is alleged that George gave a blow with *Kirpan* hitting on the complainant's left elbow; Dona is alleged to have given a blow with *Datar* on the left arm of the complainant; Vicky (petitioner) is stated to have given a blow with *Datar* hitting the complainant on his right wrist; Sajjan is stated to have given a blow with *Khanda* hitting the left side of the complainant's elbow; Harjinder Singh @ Gujjar is stated to have given 4 continuous blows with *Kirpan* hitting two blows each on the complainant's right leg and shoulder; Yusuf is stated to have given two blows with *Datar* on complainant's thumb of right and left feet; Gajjan is stated to have given blow from reverse side of *Datar* hitting the complainant's left shoulder and Manpreet Singh @ Manu is also stated to have given two blows with *Salaggar* on the complainant's right elbow. It is alleged that when the complainant and his cousin raised alarm, the accused ran away from the spot with their respective weapons.

3. Learned counsel for the petitioner has submitted that the petitioner is attributed a single injury and that too on non-vital part i.e. wrist. Learned counsel has further submitted that in any case the petitioner has a clean record and has been behind bars for a substantial period and as such, he deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that it is a case where the complainant/injured sustained as many as 13

injuries out of which 2 injuries have been declared as grievous injuries and that the injury attributed to the petitioner i.e. injury on the right wrist has been declared as a grievous injury. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 11 months and that he is not involved in any other case and that challan already stands presented.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner has been attributed a grievous injury on the right wrist of the complainant and that the petitioner as well as other co-accused had collectively caused as many as 13 injuries to the complainant including 2 grievous injuries. However, the petitioner has been behind bars for a substantial period of 11 months and is not stated to be involved in any other case. Conclusion of trial will take some time, as not even a single PW out of cited 15 PWs has been examined and in fact even the charges have not been framed so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. However, since during the course of arguments, the petitioner, without prejudice to his rights to defend himself, had offered to pay an amount of Rs.15,000/- to compensate the

complainant/injured for the expenditure incurred on his medical treatment, it is ordered that the petitioner shall pay an amount of Rs.15,000/- to the complainant by way of a demand draft. Such demand draft may be deposited before the trial Court at the time of furnishing bail bonds. Upon such draft being submitted, the trial Court shall do the needful for passing it on to the complainant subject to proper identification and receipt. It is clarified that the aforesaid amount will not, in any manner, be construed to be any kind of admission on the part of the petitioner.

27.10.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**