

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.220

CRM-M-4332-2021

Date of decision: 11.02.2021

Irfan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.110 dated 17.06.2020 registered under Sections 307, 506, 341, 148, 149 IPC at Police Station Jodhewal, District Police Commissionerate, Ludhiana.

The petitioner is sought to be prosecuted for having caused a brick bat blow on the complainant's neck.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case due to neighborhood rivalry between the parties; there is no other criminal case in which the petitioner is involved; the petitioner is in custody for the last nearly 7 ½ months; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the allegations against the petitioner is that he caused a brick bat blow on the complainant's neck but such injury is not supported by the medical evidence on record; co-accused Nusrat has already been granted regular bail by this Court; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation and that the petitioner's trial which is yet to begin is likely to take a long time to conclude especially when 16 prosecution witnesses have been cited.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has attempted to murder the complainant.

Whether the allegations against the petitioner of having inflicted injury on the complainant's neck find support from the medical evidence on record shall be debated during the course of the petitioner's trial. However, the petitioner has already been in custody for the last nearly 7½ months; there is no other criminal case in which he is involved; co-accused Nusrat has already been granted regular bail by this Court; the report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation and that the petitioner's trial which is yet to begin is likely to take a long time to conclude especially when the prosecution has cited 16 witnesses as also in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

February 11, 2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No