

S.No.209

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

CRM-M-6568 of 2021 (O&M)

Date of Decision:24.09.2021

Karan

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Sudhir Kumar Pandey, Advocate for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Harinder Singh Sidhu, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No.106 dated 23.12.2019 registered under Sections 307, 323, 506, 148, 149 IPC at Police Station Nayagaon, District SAS Nagar Mohali, Punjab.

The FIR was got lodged on the complaint of one Prabhat, who stated that on 21.12.2019, he alongwith his elder brother Uday was standing in the street in front of their house. At about 10:00 PM, Karan (petitioner) along with his friends Deepak and Tarun reached there and raised lalkara that they (complainant and his elder brother) will not be spared today to settle previous score. Thereafter, they attacked the complainant and his elder brother Uday. The petitioner, who was armed with a knife attacked Uday and started stabbing him in the stomach. As a result, Uday fell down and was drenched in blood. When the complainant intervened, then Tarun and Deepak punched him on his head. On noise being raised, the number of

people gathered there and the petitioner along with his friends ran away from the scene along with weapons. The injured Uday was taken to PGI for treatment. He was discharged from hospital on 21.01.2020.

When the case came up for hearing on 28.07.2021, it was pointed out on behalf of the State that as per the MLR, injured has suffered three injuries on his chest and on account of the said injuries, he was still incapacitated, he was not even able to walk properly. The petitioner, on the other hand, contended that as per his instructions, the injured has completely recovered and is working in a Saloon.

Learned State Counsel was requested to ascertain the exact medical condition of the injured.

Pursuant to that, an affidavit of Gursher Singh PPS, Deputy Superintendent of Police, City-I, District SAS Nagar, has been filed. It has been stated that the statement of the injured has been recorded. He stated that on account of the injuries suffered by him, his right arm cannot work completely and he cannot even perform his daily activities without assistance. He further stated that because of the injuries suffered, the intestine of his stomach has become weak. He had to get a bypass stoma bag fixed. Because of his weakness, his operation for Hernia is still pending. It is also stated that after verification, it has been found that the injured is not working in a Saloon as contended by learned counsel for the petitioner.

In response to this, learned counsel for the petitioner with reference to the MLR of the injured states that only three injuries were

found. All three injuries were on the chest. There was no injury on the stomach. He states that the present condition of the injured cannot be attributed to the injuries suffered by him in the incident because the MLR depicts no injury on the stomach of the injured. The petitioner is in custody since 10.01.2020. The investigation of the case is complete.

On the other hand, learned State Counsel has opposed the prayer for regular bail.

In view of the above and keeping in mind the fact that the investigation of the case is complete and petitioner is in custody since 10.01.2020, no useful purpose would be served by keeping him behind the bars. Hence, petition is allowed. Petitioner – Karan is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/ Duty Magistrate concerned.

September 24, 2021
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No