

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

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CRM-M-16751-2021

Date of Decision: 28.04.2021

NISHU

...Petitioner

VERSUS

STATE OF U.T. CHANDIGARH

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Durga Dutt Sharma, Advocate,
for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor, U.T. Chandigarh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.120 dated 21.09.2020 lodged under Sections 307 and 324 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Sarangpur, Chandigarh.

On a pointed query put to the learned counsel as to what was the change in the circumstances subsequent to the withdrawal of the previous petition, this Court has been apprised that charges have since been framed on 08.04.2021. He further submits that it is a case of false implication and no injury has been attributed to the petitioner.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. Learned State counsel on instructions from SI Daljit Singh submits that four

injuries were caused by the co-accused who is his brother with a knife on abdomen of the complainant and other vital parts of his body which were all declared to be dangerous to life.

Learned State counsel further submits that when the accused was inflicting the aforementioned injuries, the petitioner caught hold of the injured and as such was an active participant in the crime in question.

Heard.

There are serious allegations levelled against the petitioner of being an active participant in the occurrence in question inasmuch as he incapacitated the injured by holding him from the back while his brother i.e. co-accused inflicted grievous injuries on the vital parts of the body of the injured which were all declared dangerous to life by the doctor.

No ground is, thus, made out to extend the concession of the regular bail in the wake of the allegations levelled against the petitioner.

Dismissed. However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

28.04.2021

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No