

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-20920-2021

Date of Decision: 10.06.2021

Nitin Verma

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Gaurav Sethi, Advocate, for the petitioner.

Mr. H.S. Multani, Assistant Advocate General, Punjab.

\*\*\*\*

**Through Video Conferencing**

**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in case bearing FIR No.306 dated 30.07.2020 under Sections 323,341,324, 506, 307 of the Indian Penal Code, 1980, registered at Police Station Zirakpur, Mohali.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and in fact earlier the FIR was lodged under Sections 323,341,324,506 IPC and the petitioner was on bail. However, on 18.11.2020 on the opinion of the doctor the provision of Section 307 IPC was added as the injury was declared to be dangerous to

life and thereafter the petitioner is in custody since 25.01.2021. The learned counsel submitted that the investigation of the case is already complete and no recovery is to be made from the petitioner. He has further submitted that the petitioner is not involved in any other case. He further submitted that earlier when he was on bail he complied with all the conditions imposed by the Court and he has not jumped the bail. He has submitted that the trial is likely to take some time, even charges have not been framed as of now and therefore, he may be considered for grant of regular bail.

On the other hand, Mr. H.S. Multani, learned Assistant Advocate General, Punjab has submitted that the injury was grievous and considering the gravity of offence the petitioner may not be granted the concession of regular bail.

Mr. Udit Mendiratta, Advocate has also caused appearance on behalf of the complainant and has also opposed the grant of bail on the ground of seriousness of offence. He has submitted that number of stitches were found on the neck of the injured and there is likelihood that the petitioner may influence the witnesses, if enlarged on bail.

I have heard the learned counsel for the parties.

Admittedly, the petitioner is in custody since 25.01.2021 and earlier the FIR was lodged under Sections, 323, 341, 324, 506 IPC and the petitioner was on bail. Thereafter, on the adding of Section 307 IPC the petitioner was arrested on 25.01.2021. The learned State counsel has opposed the grant of bail only on the ground of seriousness of offence. However, merely seriousness of offence cannot become a ground for denial of bail. It is not the case of the State that in case the petitioner is granted bail then he may influence any witness or may tamper with any evidence or may

flee from justice. Furthermore, when the petitioner was on bail earlier he had not violated any of the conditions of bail. The arguments raised by the counsel for complainant that the petitioner may influence the witnesses would not sustain in view of the fact that there is no material on the record to show the same. Furthermore, the petitioner is not involved in any other case.

Therefore, without commenting on the merit of the case and considering the totality of circumstances in the present case, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**10.06.2021**

rakesh

**(JASGURPREET SINGH PURI)****JUDGE**

|                    |   |        |
|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |