

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

232

**CRM-M-19670-2021
Date of decision: 13.09.2021**

Vishal @ Jonny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Suresh Singla, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.74 dated 05.05.2020 lodged under Sections 323, 308 and 34 of the Indian Penal Code, 1860 registered at Police Station City Kotkapura, District Faridkot.

On the last date of hearing, learned State counsel had been directed by this Court to verify the authenticity of the submissions made by learned counsel for the petitioner as to whether prosecution witnesses (complainant and injured Ramandeep Singh) had appeared before the trial Court as bailable warrants had been issued for securing their presence.

Learned State counsel on instructions from ASI Bhupinderjeet Singh has apprised the Court that they yet again failed to put in appearance even though bailable warrants had been issued for securing their presence.

Learned counsel appearing for the petitioner while inviting attention of this Court to the allegations levelled in the FIR, submits that on the face of it, it is a case of sudden fight. He submits that a quarrel erupted between one Narinderpal Singh (cited as a prosecution witness) on the one hand and the petitioner and the co-accused on the other hand. However, when injured Ramandeep Singh intervened, he too was allegedly inflicted brick blows on his head out of which one injury was found to be grievous.

Learned counsel for the petitioner further submits that the complainant and the alleged eye witness Narinderpal Singh have intentionally not been putting in appearance before the trial Court for getting their evidence recorded since 22.03.2021 as they are conscious of having planted a false case upon the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that the present petitioner is attributed a grievous injury on the head of injured Ramandeep Singh. He has, however, conceded that out of the sixteen prosecution witnesses cited, none has put in appearance ever since 22.03.2021 i.e. when the case was listed for prosecution evidence for the first time.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 09.06.2020, the trial is unlikely to conclude in the near future, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is

made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13.09.2021

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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