

227

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

**CRM-M-10047-2022
Date of Decision: 29.03.2022**

Shiva alias Honey

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bhupinder Banga, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.143 dated 22.05.2021, under Sections 307, 452, 324, 323 & 34 of IPC, registered at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 04.12.2021 and the investigation of the case has already been completed and the Police has already presented the Challan under Section 173 of the Cr.P.C before the competent Court. He further submitted that the petitioner has been falsely implicated in the present case and in fact it was a case of a cross-version and the injuries were also sustained by one of the co-accused, namely, Roshi, but the Police, in

connivance with the complainant in the present case, has not registered FIR. He referred to the injuries sustained by the aforesaid co-accused Roshi vide Annexure P-2 which shows 5 cm deep injury above the eye. Learned counsel for the petitioner further submitted that be that as it may, the investigation of the case has already been completed and no recovery is to be effected from the petitioner and it is yet to be ascertained as to who was the aggressor party during the course of the trial, therefore, he may be considered for the grant of regular bail.

On the other hand, Mr. R.S. Thind, learned Deputy Advocate General, Punjab, has submitted that it is correct that the investigation of the case has already been completed but he has opposed the bail on the ground that the petitioner has inflicted injuries upon the complainant and he is also involved in two more cases.

I have heard the learned counsel for the parties.

On a specific query being raised to the learned State Counsel pertaining to Annexure P-2 whereby one of the co-accused Roshi had also suffered 5 cm. deep injury above the eye, the learned State counsel could not give any justification regarding the same. Therefore, it appears to be a cross-version case. There is a force in the argument of the learned counsel for the petitioner that in such a situation, it is yet to be determined during the course of the trial that who was the aggressor party. As per the learned counsel for the parties, no recovery is to be effected from the petitioner and the trial of the case may take long time. The pendency of other two cases cannot become a ground for denial of bail to the petitioner in the aforesaid facts and circumstances. Apart from the same, it is not the case of the State

that in case the petitioner is released on bail then he may abscond from justice or may influence any witnesses or may tamper with evidence.

Therefore, considering totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

29.03.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |