

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

**CRM-M-10844 of 2022**

**DECIDED ON: 17<sup>th</sup> March, 2022**

**Sumit @ Rahul**

**.....PETITIONER**

**VERSUS**

**State of UT Chandigarh**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.**

Present: Mr. Manjot Singh Gujral, Advocate for petitioner.

Mr. Abhinav Gupta, Addl. PP for UT Chandigarh.

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**AVNEESH JHINGAN, J (ORAL)**

Due to COVID-19 situation, the Court is convened through video conference.

This second petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.25 dated 8.2.2021, under Sections 307, 34 IPC, registered at Police Station Industrial Area, Chandigarh.

The earlier petition was dismissed as withdrawn on 13.10.2021. As per the case set up by the prosecution, the petitioner alongwith co-accused riding on bikes stopped the car of complainant and he was asked to remove his jacket and on resistance eight injuries including one on the neck with sharp edged weapon were inflicted. The petitioner is alleged to be active participant in the incident.

Learned counsel for the petitioner submits that the petitioner is in custody since 7.2.2021, complainant has been examined, no recovery of sharp edged weapon was made from the petitioner and it is a case of false implication. He further submits that no injury has been declared dangerous to

Learned counsel for UT Chandigarh submits that the complainant in his deposition has supported the case of the prosecution. Contention is that FSL report was received and DNA of blood stain found on the jacket of the petitioner matched with DNA of complainant. He submits that the trial is proceeding at decent pace, four prosecution witnesses out of twenty have been examined. He further submits that the remaining prosecution witnesses are official witnesses and sincere efforts would be made to conclude the prosecution evidence within four months from the date fixed.

It would not be appropriate for this Court, at this stage to deal with the contention raised regarding invoking of Section 307 IPC, *suffice-to-say* that intention can be enough for invoking Section 307 IPC. Considering the allegations in the FIR, nature of injuries sustained by petitioner and in view of the statement made by learned counsel for UT Chandigarh that an attempt would be made to conclude the trial expeditiously, no ground is made out for grant of bail at this stage.

The petition is dismissed accordingly.

However, there is no doubt that in case a request is made to the Court concerned for accommodating dates for expeditious disposal of the prosecution evidence, the same would be dealt with in accordance with law.

(AVNEESH JHINGAN)  
JUDGE

17<sup>th</sup> March, 2022

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