

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11538-2022 (O & M)

Date of decision: 23.03.2022

Ajay

..... Petitioner

V/s

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Promila Nain, Advocate, for the petitioner.

Mr. Parampreet Singh Paul, Additional Public Prosecutor,
for U.T., Chandigarh.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail to the petitioner under Section 439 Cr.P.C. in a case bearing FIR No.52 dated 29.05.2021 under Sections 147, 148, 149, 323, 324, 325, 326, 506, 427 IPC registered with Police Station IT Park, Manimajra, Chandigarh.

The learned counsel for the petitioner submits that it was the petitioner who first lodged an FIR No.51 dated 29.05.2021. It was the present complainant-Ravi and others, who attacked the petitioner and his brother namely Raman who had suffered 80 stitches on his head and a fracture on his leg. She submits that the brother of the petitioner remained admitted in the hospital but the police in connivance with the Ravi i.e. the present complainant, got registered the present FIR No.52 against him and certain other accused. She, thus, contended that it is a case of version and

cross-version. She also contended that 07 out of the 08 accused have already been granted the concession of either anticipatory or regular bail. The petitioner is in custody since 23.11.2021 and since the trial of the present case is not likely to be concluded in the near future, the petitioner was entitled to the concession of bail.

The learned counsel for the State, on the other hand, submits that the petitioner is the main accused. He is said to have caused a sharp-edged weapon injury on the left hand of Kishan, which is the injury attracting Section 326 IPC and the seriousness of the injury did not entitle the petitioner to the grant of concession of regular bail. He on instructions from ASI Rajbir Singh submits that total 24 witnesses have been cited by the prosecution and the next date before the trial Court is 26.03.2022.

I have heard both the learned counsel for the parties at length.

Admittedly, it is the case of version and cross-version where the petitioner had got registered an FIR No.51 against the opposite party (complainant in this FIR) prior to the registration of the present FIR. The brother of the petitioner has received severe injuries as has already been mentioned hereinabove. The petitioner is in custody since 23.11.2021 and after the filing of the challan, charges have already been framed against him and his co-accused. All the co-accused of the petitioner have been granted the concession of bail. Since there are 24 Pws to be examined so, the trial is not likely to be concluded in the near future.

Keeping in view the aforementioned facts, without going into the merits of the case, the present petition is allowed and the petitioner-Ajay is ordered to be released on regular bail subject to his furnishing requisite

bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate,
Chandigarh.

(JASJIT SINGH BEDI)
JUDGE

March 23, 2022
sukhpreet

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