

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214)

CRM-M-20360-2022 (O&M)

Date of decision: - 22.08.2022

Lachhman

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. K.K. Thakur, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.407 dated 28.10.2020, under Sections 324, 341, 506 and 392 IPC (Sections 411, 201, 379-B, 326 and 308 IPC have been added later on), registered at Police Station Zirakpur, District SAS, Nagar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 05.11.2020 and the challan has been presented and there are total 16 prosecution witnesses, out of whom, 12 are yet to be examined, thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any case and the complainant has already been examined. It is also submitted that the FIR in the present case was against unknown persons and although, as per the

prosecution case, the petitioner and one Arjun Kumar were stated to have been carrying a knife and had inflicted injuries upon the complainant, but none of the said injuries were declared to be dangerous to life. It is argued that the complainant was in fact discharged from the Government Medical College and Hospital, Sector 32, Chandigarh, inasmuch as, he had been admitted on 27.10.2020 and was discharged on 29.01.2020.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the complainant in the present case had suffered several injuries from a sharp edged weapon, which have been caused by the present petitioner and co-accused Arjun Kumar. It is further submitted that the case of the present petitioner is differed from that of co-accused Ashish Rana, as he was carrying a wooden stick in his hand. It is also submitted that the complainant was discharged in two days on account of Covid protocol. The other factual aspects, however, have not been disputed by learned State counsel.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 05.11.2020 and the challan has been presented and there total 16 prosecution witnesses, out of whom, 12 are yet to be examined, thus, the trial is likely to take time. The complainant has already been examined in the present case. The petitioner is stated to be not involved in any other case. Although, the petitioner and co-accused Arjun Kumar have been attributed injuries with a knife, but none of the injuries were declared to be dangerous to life. The complainant was discharged from the hospital in two days, inasmuch as,

he had been admitted on 27.10.2022 and was discharged on 29.10.2022.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to his being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

August 22, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No