

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23163-2021(O&M)

Date of decision : 28.03.2022

Ashish Rana

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Krishan Kumar Thakur, Advocate
for the petitioner.

Mr.Harpreet S. Multani, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

CRM-11370-2022

Allowed as prayed for.

Annexure P-3 is taken on record subject to all just exceptions.

CRM-M-23163-2021

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.0407 dated 28.10.2020 registered under Sections 324, 341, 506, 392 IPC (Sections 411, 201, 379-B, 326, 308 IPC added later on) at Police Station Zirakpur, District SAS Nagar.

Learned counsel for the petitioner has submitted that the petitioner was not named in the FIR and even as per the prosecution case, only one injury has been attributed to the petitioner inflicted with the wooden stick (danda), which was a simple injury, and the petitioner has been in custody since 05.11.2020 and in the present case, there are 16

witnesses are yet to be examined and thus the trial is likely to take time moreso, in view of the present pandemic. He has further submitted that no further recovery is to be effected from the petitioner as the recovery of the wooden stick (allegedly used in the offence), Rs.500/- and Pan card has already been effected from the present petitioner. He has also submitted that the complainant has already been examined. He has argued that it was co-accused Arjun Kumar and Lachhman Kumar who had inflicted grievous injuries upon the complainant. He has also argued that the complainant was discharged from the hospital within two days of being admitted and the petitioner is not involved in any other case.

Learned State counsel, on the other hand, had opposed the present petition for regular bail and has submitted that the petitioner, along with two other co-accused, had snatched Rs.6000/-, aadhar card, pan card, driving licence and registration certificate of the canter in question from the complainant. It has further been submitted that Arjun Kumar and Lachman Kumar had given knife blows in the abdomen of the injured / complainant Rakesh Kumar with the intention to kill him. It has been submitted that even the present petitioner had a wooden stick in his hand. The other facts have not been disputed by the learned State counsel.

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

The petitioner was not named in the FIR. The petitioner has been attributed one injury with wooden stick (danda) which is a simple injury. The petitioner has been in custody since 05.11.2020 and there are 16 prosecution witnesses out of which 14 witnesses are yet to be examined and thus, the trial is likely to take time moreso in view of the present pandemic.

Recovery has already been effected from the present petitioner. The petitioner is stated to be not involved in any other case. The grievous injuries inflicted upon the injured have been attributed to co-accused Arjun Kumar and Lachhman Kumar.

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 him not being required in any other case.

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.

(VIKAS BAHL)
JUDGE

March 28, 2022
Davinder Kumar

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