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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23669-2022

Date of Decision: 17.08.2022

Subhash Chander @ Toni

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Inderjit Sharma, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Vipin Mahajan, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 32 dated 04.03.2022, under Sections 452, 323, 295, 427, 148, 149 IPC (Offences under Sedctions 307 and 325 IPC added later on), registered at Police Station Dinanagar, District Gurdaspur.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody from 10.03.2022 and the investigation of the case has already been completed and thereafter the police has presented the challan under Section 173 of the Code of Criminal Procedure. He further submitted that no recovery is to be effected from the petitioner and it is a case where the allegations were that the petitioner alongwith other co-

accused have collectively caused injuries to the complainant and some of the other co-accused namely, Aarti Devi, Anju Bala, Munish Kumar @ Monu, Ranjit Kaur, Narinder Kumar @ Sheru have been granted anticipatory bail by this Court. He further submitted that it is yet to be ascertained at the time of trial as to who was the aggressor party since the learned counsel for the petitioner submitted that it was a case of version and cross version and once the investigation of the case has been completed and the trial of the case may take long time no useful purpose will be served in case the custody of the petitioner is continued. He further submitted that the petitioner is not involved in any other case.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody from 10.03.2022 and the investigation of the case has been completed and no recovery is to be effected from the petitioner. He further submitted that the petitioner is not involved in any other case. However, he has opposed the grant of bail on the ground that the matter is serious in nature because the injuries received by the complainant were dangerous to life.

Mr. Vipin Mahajan, Advocate has also caused appearance on behalf of the complainant and has also opposed the grant of bail on the ground that the petitioner and the other co-accused have caused grievous injuries which are dangerous to life to the complainant in the present case.

I have heard the learned counsel for the parties.

The petitioner is in custody from 10.03.2022 which is almost 5 months and the investigation of the case has been completed. As per the

learned State counsel, no recovery is to be effected from the petitioner and as per the learned counsel for the parties some of the other co-accused have already been granted anticipatory bail by this Court as aforesaid. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice. Apart from the same, learned counsel for the petitioner as well as learned counsel for the State have stated that the petitioner is not involved in any other case.

Therefore, considering the aforesaid facts and circumstances, this Court is of the view that the petitioner is entitled for the grant of regular bail.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

17.08.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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