

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

227

**CRM-M-23293-2022
Date of Decision:16.08.2022**

Didar Singh @ Datar Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kashish Garg, Advocate,
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is the 1st petition filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of regular bail to the petitioner in FIR No.104 dated 10.07.2021 registered under Sections 307, 341, 324, 323, 506, 427, 148, 149 and Section 201 (added later on) of the Indian Penal Code, 1860 at Police Station Sadar, Bathinda.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been in custody since 07.03.2022 and investigation is complete as the report under Section 173 Cr.P.C. has been submitted and there are 18 witnesses, out of whom only 1 witness has been examined and thus, the trial is likely to take time to conclude

and the petitioner is not involved in any other case. It is further submitted that as per allegations in the FIR, the petitioner has been attributed one injury, which as per the opinion of the private hospital, was declared to be dangerous to life. It has submitted that in pursuance of the order dated 01.06.2022 passed by this Court, Dr. Sangram Garg has been examined as PW-1 and in his cross examination, he has stated that the injured was discharged from the hospital on 11.07.2021 i.e. after 3 days from the date of occurrence which took place on 07.07.2021. It has further been submitted that in the cross-examination, the doctor stated that the possibility of the injuries on the person of the injured due to a fall on a hard surface could not be ruled out. It has also been submitted that in the present case, on 08.08.2022, summons, which were sent to complainant-Raldu Singh have been received back served but he did not come present despite service and thus, bailable warrants have been issued against the said Raldu Singh-complainant, who apparently is delaying the proceedings.

Learned State counsel, on the other hand, opposed the present petition for regular bail and has submitted that the injury attributed to the petitioner has been declared to be dangerous to life and the said injury has been inflicted by the petitioner with a knife like weapon on the left side of head of the complainant.

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

The petitioner has been in custody since 07.03.2022 and investigation of the case is complete as the challan has been presented and there are 18 witnesses, out of whom, only 1 witness has been examined. In pursuance of order dated 01.06.2022, Dr. Sangam Garg has been examined as PW-1. The relevant portion of the cross-examination of the said doctor is reproduced as under:-

“....The patient was discharged from the hospital on 11.07.2021. Police never showed me any weapon used in this case nor any opinion was sought after showing the weapon.

Possibility of injuries on the person of injured due to fall on hard surface can not be ruled out.....”

Learned counsel for the petitioner has handed over the said statement of PW-1 Dr. Sangam Garg as well as the order dated 08.08.2022 passed by Additional District Judge, Bathinda and the said documents have been taken on record and marked as ‘Mark-A’ and ‘Mark-B’. The order dated 08.08.2022 passed by Additional District Judge, Bathinda is reproduced as under:-

*“Present: Sh. Aseem Goyal, APP for the State.
Accused Datar Singh in custody.
Remaining accused on bail.
Sh. Deepak Sehgal and Sh. HS Khara,
Advocates, counsel for accused.*

*Sh. Manjit Kumar Dhamija, Advocate has filed
power of attorney on behalf of complainant.*

PW 1 Dr. Sangam Garg examined.

Summons sent to Ruldu Singh have been received back served through phone but he has not come present despite service. I am satisfied that he can not served in an ordinary manner. He be summoned throughailable warrant in the sum of Rs.5000/- with one surety in the like amount for 07.09.2022.

PW Bittu Singh and Krishana Kaur be also summoned for the date fixed.

Compliance of the order dated 01.06.2022 passed by Hon'ble Punjab and Haryana High Court passed in CRM-M-23293 of 2022 has been made.

	<i>Sd/-</i>
<i>Date of Order: 08.08.2022</i>	<i>(Dinesh Kumar Wadhwa)</i>
<i>Vinod Kumar, Steno Gr.I</i>	<i>ADJ/MACT/AA/ASJ/JSC/BTI</i>
	<i>UID NO. PB00445"</i>

A perusal of the above order would show that despite service, complainant-Raldu Singh has not been appeared and thus,ailable warrants have been issued for his appearance.

Keeping in view the abovesaid facts and circumstances, more so, the fact that the petitioner is not involved in any other case and the case is likely to take time, 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, subject to him not 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 petitioner.

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

16.08.2022
geeta

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