

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

CRM-M-23747-2022 (O & M)

Date of decision: 05.08.2022

Aditya Malik

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bikramjeet Singh Jatana, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0141 dated 20.12.2021 under Sections 452, 324, 506, 148 and 149 IPC and Section 326, 120-B IPC (added later on) with Police Station Barnala, District Barnala.

2. The present FIR came to be registered at the instance of Harjit Kaur wife of Balwinder Singh, who stated that she was married to Balwinder Singh and had four children. On 20.12.2021, when her husband had left for work, then, five unknown persons knocked at the gate of the house. On opening the gate, they forcibly entered her house holding *kirchs/swords* in their hands and started giving her sword blows. Three blows struck near her elbow of the right arm and three blows were struck upon the knees of her right and left legs. Thereafter, on her shouting, the accused ran away from the spot. The petitioner came to be arrested on 07.04.2022, based on the

statement of Balwinder Singh, husband of the complainant, which was recorded on 06.04.2022.

3. The learned counsel for the petitioner submits that the petitioner has not been named in the FIR and, in fact, has been named after more than three months of the occurrence. He is a student and a sportsman and it is highly unlikely that he could have committed the offence in question. There is an unexplained delay of 08 hours in the registration of the FIR, which makes the prosecution case doubtful. Even otherwise, the case is triable by the Court of a Magistrate and as the investigation stands completed and none of 16 prosecution witnesses has been examined so far, the petitioner deserves the concession of bail.

4. The learned counsel for the State, on the other hand, contends that a *kirch* has been recovered from the petitioner. The injury attracting Section 326 IPC has been attributed to him. He is involved in one other case for having committed an offence under Section 324 IPC. In view of the fact that the injuries have been caused to a lady, the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for both the parties.

6. Admittedly, the petitioner is in custody since 07.04.2022. The challan stands filed and none of the 16 prosecution witnesses have been examined till date and therefore, the trial is not likely to be concluded in the near future. Even otherwise, the case is triable by the Court of a Magistrate. In the other case against the petitioner, he has been granted the concession of bail.

7. In view of the above, the further incarceration of the petitioner is not required. Thus, without commenting upon the merits of the case, the

ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

- (i) The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other crime other.
- (ii) If any attempt whatsoever is made by the petitioner and/or his family members to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

(JASJIT SINGH BEDI)
JUDGE

August 05, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No