

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26019-2022

Date of Decision: 28.10.2022

Ram Sharma alias Ram

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vishal Goel, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

Mr. Ramandeep, Advocate,
for the complainant.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.249 dated 31.10.2021 registered for the offences punishable under Sections 307, 324, 323, 506, 148, 149 IPC and Sections 25, 27 of Arms Act at Police Station Sadar Saman, District Patiala.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the only allegations against him are that he caused injuries with sword on the person of Nachhattar Singh and one Jarnail Singh. He further submits that there is no x-ray report available on record with regard to injured-Nachhattar Singh while injury on the person of Jarnail Singh which is attributed to the petitioner was declared grievous in nature after about more than 6 months of the registration of the

Counsel for the petitioner further contends that trial is yet to commence and the petitioner is languishing behind the bars for the last more than 9 months and no purpose is going to be served by prolonging the judicial custody of the petitioner.

Present petition is opposed by the State as well as counsel for the complainant, both of whom, submit that the petitioner who has been named in the FIR caused specific injuries on the person of Nachhattar Singh and Jarnail Singh and the injury caused by the petitioner on the person of Jarnail Singh with the help of sword has been declared as grievous in nature. It is further submitted that after framing of charges, till date, no prosecution witness has been examined and the trial is yet to commence and it is not the right stage to grant concession of bail to the petitioner.

I have considered the submissions made by the counsel for the parties.

No doubt, the petitioner was named in the FIR and was stated to be armed with sword at the time of the occurrence and as per allegations appearing on the record, he caused injury on the right arm of Nachhattar Singh and one another injury on the back of Jarnail Singh. In the absence of x-ray report, injury on the person of Nachhattar Singh is to be considered as a simple in nature. Admittedly, the injury on the person of Jarnail Singh caused by the present petitioner was declared as grievous in nature after about 6 months of the registration of the FIR. The petitioner is in custody for the last more than 9 months and is not recorded to be involved in any other criminal case. It will take time for the trial to conclude after its commencement. No useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

October 28, 2022

Paritosh Kumar

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