

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CRM-M-26731-2022
Decided on : 15.07.2022

Harpreet Singh @ Happy

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Avtar S. Khinda, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. A. S. Manaise, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No. 30 dated
21.04.2022 under Sections 323, 324, 325, 326, 148 and 149 of the Indian
Penal Code, 1860 registered at Police Station Quila Lal Singh, Police
District Batala, District Gurdaspur.

Learned counsel for the petitioner has submitted that the
petitioner has been in custody since 02.05.2022 and has never been
involved in any other criminal case and the present case is triable by the
Magistrate. It is further submitted that as per the prosecution version,
the petitioner has been attributed injury No. 4 i.e. on the eyebrow of the
right eye of the complainant and the said injury has been declared as

grievous. It is contended that the recovery has already been effected from the present petitioner and there is delay of 12 days in the registration of the FIR inasmuch as, the alleged incident was of 09.04.2022 but the FIR had been registered on 21.04.2022 and in the FIR, it has been stated that although, he is under treatment since 11.04.2022 and thereafter, he was referred to the Government Medical Hospital for check up of his jaw but he did not get admitted there and returned back to the civil hospital. It is further contended that there is nothing to show that he was unfit to give his statement during the time period ranging between 11.04.2022 to 21.04.2022.

Learned State counsel as well as counsel for the complainant have opposed the present application for regular bail and have submitted that in the present case, five injuries have been caused to the complainant out of which which injury No. 4 and 5 have been declared to be grievous and one of the injuries i.e. injury No. 4 is attributed to the present petitioner.

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

The petitioner has been in custody since 02.05.2022 and the presentation of the challan and the conclusion of the trial is likely to take time. The petitioner is not involved in any other case. There was a delay of 12 days in registration of the FIR inasmuch as, the alleged incident was of 09.04.2022 and the complaint had been given on 21.04.2022

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.

However, 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 application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

July 15th, 2022
Mehak

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