

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+206

CRM-35234-2022 in/&
CRM-M-27015-2022
Date of Decision :19.09.2022

Ravinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Devinder Kaushal, Advocate for the petitioner.

Mt. Tivar Sharma, AAG, Punjab.

Mr. S.S. Narula, Advocate for the complainant.

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Harsimran Singh Sethi, J. (Oral)

CRM-35234-2022

As prayed for, application is allowed.

Annexured P-12 to P-14 are taken on record.

CRM-M-27015-2022

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.86 dated 23.06.2021 registered under Sections 323, 341, 307, 326, 325, 506 and 34 of the IPC at Police Station, Mullanpur Garibdas, District SAS Nagar Mohali.

Learned counsel for the petitioner argues that the present is a case of version and cross-version wherein, an FIR has been registered against the complainant/victim in the present FIR and charges have already

been framed against them in the said FIR, which has been got registered by the petitioner. Learned counsel for the petitioner submits that in the present case as well as in the FIR, which has been lodged on the asking of the petitioner, charges have already been framed against both the parties and separate revision petitions have been filed by the respective parties, challenging the framing of charges.

Learned counsel for the petitioner submits that in the present case, the complainant, who is also a victim, has already been examined and in the cross-examination, it has been recorded that with regard to the allegation alleged against the petitioner in regard of hitting the complainant with an axe on the eye, there is no injury mark on the forehead or cheek of the victim, which clearly shows that Section 307 of the IPC is not made out in the facts and circumstances of the present case. Learned counsel for the petitioner further submits that out of the total 20 witnesses, only 03 witnesses have been examined and as the trial is likely to take some time before it is concluded, the petitioner may kindly be granted concession of regular bail.

Learned State counsel concedes the fact that the present is a case of version and cross-version and charges have been framed against both the parties and both the parties are in revision qua the framing of charges against them. Learned State counsel further concedes that complainant in the present case is also a victim, who has already been examined and out of the total 20 witnesses, only 03 witnesses have been examined so far. Learned State counsel submits that the allegations against the petitioner are serious in nature as the complainant has lost vision of his

eye, which injury has been attributable to the petitioner, the petitioner may not be granted the concession of regular bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations being alleged against the petitioner in the present case are yet to be proved against him. The complainant has already been examined and it being a case of version and cross-version, the truth will only come out when the complete evidence will be led by the parties during the course of the trial. Keeping in view the facts and circumstances of the present case, where framing of charges against the petitioner under Section 307 of the IPC is still pending consideration in the revision petition preferred by the petitioner coupled with the fact that the complainant has already been examined and out of the total 20 witnesses, only 03 witnesses have been examined so far and as the trial is likely to take some time before it is concluded, no useful purpose will be achieved by keeping the petitioner behind the bars during the entire period of trial, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

September 19, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No