

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28560-2022
Date of decision : 25.08.2022

Vijay

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Balbir Singh Jaswal, Advocate
for the petitioner.

Mr.M.S.Bajwa, DAG, Punjab.

Mr.Karan Dhawan, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.23 dated 21.03.2022 registered under Sections 307, 336, 323, 148, 149, 120-B IPC and Sections 25/27 of the Arms Act, ,1959 at Police Station Verka, District Amritsar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 24.03.2022 and the investigation is complete and the challan has already been presented and there are 22 witnesses and out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that the petitioner is not named in the FIR and the injury attracting offence under Section 307 IPC is attributed to co-accused

any injury is dangerous to life. It is further stated that although, the petitioner is sought to be implicated on the basis of disclosure statement of co-accused but the complainant has given an affidavit dated 27.05.2022 (Annexure P-4) in which he has specifically stated that the present petitioner has not given any injury as he was not present at the spot. The factum with respect to the said affidavit has been noticed in paragraph 6 of the order dated 13.06.2022 .

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the statement of co-accused Sharanjit Singh, the petitioner has been attributed three injuries although, the said injuries are simple in nature.

Learned counsel for the complainant has submitted that affidavit dated 27.05.2022 (Annexure P-4) is a genuine affidavit and as per the complainant, the present petitioner was not present at the spot and had not caused any injury and he has no objection in case the concession of regular bail is granted to the present petitioner.

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

The petitioner has been in custody since 24.03.2022 and the investigation is complete and the challan has already been presented and there are 22 witnesses and out of which, none have been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. The petitioner was not named in the FIR and was sought to be implicated on the basis of disclosure statement of co-accused Sharanjit Singh. The complainant has given an affidavit to the effect that the present petitioner had not given any injury to him and he was not present at the spot

and the counsel for the complainant has reiterated the said fact and the factum of compromise has also been noticed in paragraph 6 of the order dated 13.06.2022 vide which the bail application of the petitioner has been rejected. Even as per the statement of co-accused Sharanjit Singh, the petitioner has been attributed simple injuries.

Keeping in view the above said 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.

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

August 25, 2022
Davinder Kumar

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