

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28488-2022
Date of decision : 12.07.2022

Harpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Sukhjit Singh, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first bail petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.181 dated 10.07.2021 registered under Sections 307, 379-B, 325, 323, 341, 506, 148, 149 IPC at Police Station Division no.6, Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 10.02.2022 and the challan in the present case has already been presented and there are 17 prosecution witnesses and since the charges have not been framed in the present case, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and the petitioner has been involved in the present case in the present case as the friend of the petitioner Baljit Singh (co-accused) is married to Jaspreet Kaur, who is the sister-in-law of the complainant and the said Baljit Singh was having a matrimonial dispute

with his wife Jaspreet Kaur. It is further submitted that the two injuries attributed to the present petitioner are on the arms of the complainant, which is a non-vital part and no injury suffered by the complainant which has been declared dangerous to life and thus, Section 307 IPC prima facie is not made out. Learned counsel for the petitioner has further submitted that in order to compensate the complainant Lakhbir Singh, the petitioner is ready to pay an amount of Rs.10,000/-, without admitting his liability.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that one of the injuries attributed to the present petitioner on the arm is a grievous injury. It is further submitted that the petitioner was armed with a base ball bat with which he had caused the said injury.

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

The petitioner has been in custody since 10.02.2022 and the investigation is complete and the challan has been presented and there are 17 prosecution witnesses and since the charges have not been framed, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The allegation against the petitioner is that he had inflicted two injuries with a base ball bat on the arms of the complainant that is, on a non vital part, although one of the said injuries is stated to be a grievous injury. The question as to whether Section 307 IPC is made out or not, would be a matter of debate which would be finally adjudicated during the course of the trial..

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 and also subject to the petitioner depositing an amount of Rs.10,000/- before the trial Court within a period of three weeks from today and the trial Court is directed to release the said amount to the complainant Lakhbir Singh after issuing notice to the complainant. The payment of Rs.10,000/- to the complainant would be not construed as an admission of guilt by the petitioner.

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

July 12, 2022
Davinder Kumar

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