

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(224 + 110)

CRM-M-32748-2022 (O&M)
Date of decision: - 23.08.2022

Dharminder

....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sudesh K. Khurcha, Advocate
for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor. for U.T., Chandigarh.

VIKAS BAHL, J. (ORAL)

CRM-29982-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file application bearing CRM-29984-2022.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file application bearing CRM-29984-2022.

CRM-29984-2022

Present application has been filed under Section 482 Cr.P.C. for placing on record certain documents as Anenxures A-1 to A-4.

Application is allowed, as prayed for. The documents

(Annexures A-1 to A-4) are taken on record, subject to all just exceptions.

CRM-M-32748-2022

This is a second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.74 dated 18.04.2022, under Sections 147, 148, 149, 323, 307, 452 and 506 IPC, registered at Police Station Sector 36, Chandigarh.

Learned counsel for the petitioner has submitted that the petitioner had earlier filed a petition bearing CRM-M-29344-2022, which was withdrawn on 15.07.2022 with liberty to file a fresh petition after annexing the entire FIR in proper translation and thus, it is submitted that in fact the present petition is the first petition for regular bail. It is further submitted that the petitioner has been in custody since 25.04.2022 and the investigation is complete and the challan has been presented and there are total 24 prosecution witnesses, none of whom have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is also submitted that the petitioner was not named in the FIR and although, the complainant Ravi has specifically named Gulab Singh and two other persons and the said Gulab Singh is the father of the girl with whom, the brother of the complainant was in a relationship with and had eloped with her. It is contended that the petitioner is sought to be implicated on the basis of the disclosure statement of the said Gulab Singh dated 19.04.2022 and has submitted that even as per the said disclosure statement, no specific role has been attributed to the present petitioner. It is further contended that although as per the disclosure statement of the present petitioner, it has been stated that the present

petitioner was armed with a rod, but the recovery that has been effected from him is of an iron pipe and not that of a rod. It is stated that no specific injury has been attributed to the present petitioner even as per the disclosure statement of the petitioner.

Learned Public Prosecutor appearing for the U.T., Chandigarh has opposed the present petition for regular and has submitted that a perusal of the disclosure statement of the present petitioner would show that it had been stated that with the rod, the petitioner had attacked upon the hands and legs of Ravi and his family members and has further submitted that the said Ravi had suffered nine injuries, out of which, three injuries had been declared to be grievous in nature. It is further highlighted that as per the MLR, which is at page 24 of the paper-book, three fractures have been suffered on the right leg, right hand and left hand, which with the disclosure statement made by the petitioner qua him having inflicted injuries on Ravi on the hands and legs with a rod. It is submitted that there were four other injured persons in the occurrence.

Learned counsel for the petitioner, in rebuttal, has submitted that the injuries suffered by the other four persons are simple in nature and has also submitted that the grievous injuries caused cannot be specifically attributed to the present petitioner in the absence of there being any statement of the complainant or the injured specifically to the said effect.

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

The petitioner has been in custody since 25.04.2022 and the investigation is complete and the challan has been presented and there are total 24 prosecution witnesses, none of whom have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case and he has not been named in the FIR and three persons have been specifically named in the FIR including Gulab Singh, who is father of the girl, who has allegedly eloped with the brother of the complainant. The petitioner has been implicated on the basis of disclosure statement of Gulab Singh, perusal of which would show that no specific injury has been attributed to the present petitioner. Even as per the disclosure statement of the petitioner, although, he has stated that he had attacked on the hands and legs of Ravi and his family members, but no specific injury has been attributed to him.

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 his being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to 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.

Pending miscellaneous application, if any, stands disposed of
in view of the abovesaid order.

August 23, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes