

**236 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-34149-2022

Date of Decision: 9th August, 2022

Prince Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Pushp Jain, Advocate for the petitioner.
Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. Petitioner is seeking regular bail in case FIR No. 98, dated 22nd April, 2022, under Sections 323, 324, 307, 148 and 149 of Indian Penal Code, 1860 (later on Section 307 IPC, 1860 was deleted and Section 325, 326 IPC, 1860 has been added), registered at Police Station Model Town, District Hoshiarpur.

2. As per the case set up, on 21st April, 2022, Complainant-Gaurav was attacked by 7-8 persons armed with Khanda and Kirpans. Injuries were inflicted to the complainant. The petitioner was not named in the FIR, his name surfaced in the supplementary statement made by the complainant. The role attributed to petitioner is that he gave a blow on the right side of the head above the ear with the back side of the *Kirpan*, Which has been declared grievous. Initially Section 307 of IPC was added but subsequently deleted.

3. Learned counsel for the petitioner submits that it is a case of false implication. Petitioner is in custody since 6th June, 2022, Kirpan recovered from him. No further recovery is to be made. Petitioner is not

4. Learned State counsel opposes the prayer for grant of regular bail, however, on instructions from ASI Sushil Kumar is not disputing the fact that Section 307 of IPC was deleted.
5. Without commenting upon the merits of the case, considering that Section 307 of IPC was deleted, no recovery is to be made from the petitioner, he has no criminal antecedents and investigation is complete, conclusion of the trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
7. The petition is allowed.
8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

9th August, 2022
Parveen Sharma

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