

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

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**CRM-M-36451-2022
Decided on : 24.08.2022**

Harmanjinder Singh alias Mintu alias Pintu

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Chandan Singh Rana, Advocate
for the petitioner(s).

Mr. A.S. Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C., vide which, the petitioner is seeking the concession of bail in case FIR No. 117, dated 08.10.2021, lodged under Sections 323, 324, 506, 148, 149 of IPC (Section 326 of IPC added later on), registered at Police Station Meharban, Ludhiana (Annexure P-1).

At the outset, learned State counsel has filed the custody certificate dated 24.08.2022 of the petitioner, in Court, which is taken on record, subject to all just exceptions.

A copy thereof has been handed over to the counsel for the petitioner.

Counsel for the petitioner submits that it is a case, wherein, FIR had been lodged by the complainant at a highly belated stage i.e. after a lapse of more than two months, after concocting the story sufficiently. The alleged occurrence in this case took place on 12.08.2021 and first version in the shape of FIR in question, was got lodged on 08.10.2021. Counsel for the petitioner further submits that victim in this case was medico legally

examined firstly on 12.08.2021 and thereafter, again on 19.08.2021. Still no FIR/complaint was addressed to the police.

Counsel for the petitioner further submits that in the FIR got lodged after about two months period, no specific attribution is there against the petitioner, rather, it is mentioned that 10-12 other persons gave very severe beatings to him and gave blows with 'Dats and Swords'. Counsel for the petitioner submits that absence of any specific attribution in the FIR, which was lodged after two months of the belated period, from no angle justifies the allegations of causing injury definitely by the petitioner, which is counted as grievous sharp injury.

Counsel for the petitioner further submits that petitioner is in custody since 11.05.2022 and after completion of investigation, challan has been submitted before the Court concerned on 08.07.2022. Therefore, no fruitful purpose would be served by keeping the petitioner behind the bars for indefinite period.

On the other hand, learned State counsel submits that although investigation is completed, yet period of incarceration of the petitioner is very short and the victim has suffered grievous injury with sharp edge weapon. Therefore, concession of bail should not be granted to the petitioner.

After hearing both the sides and having considered the factual aspect and perusing the relevant material on record, I am of the view that since petitioner is seeking regular bail under Section 439 Cr.P.C., and case is triable by Court of learned Magistrate, and even charges have not yet been framed, concession of granting of bail is worth considerable. Needless to observe that the initial version lodged in the shape of FIR dated

12.08.2021 (P-1), is belated by about two months, and there is no specific attribution to the petitioner. In this way, role of the petitioner would be determined after leading of the evidence by the prosecution and same would be decided at the final stage by the learned trial Court.

In the facts and circumstances as enumerated hereinabove, the petition is allowed and the petitioner is admitted to bail to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 24, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No