

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

CRM-M-38527-2022

Date of Decision: 01.09.2022

Rohit Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sachin Ohri, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 74 dated 09.05.2022, under Sections 307, 324, 323, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Division No. 2 District Pathankot.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 07.06.2022 and the trial in the present case will take time to conclude and the petitioner is not involved in any other criminal case. It is submitted that as per the FIR the petitioner has been attributed one injury with baseball on the back of the complainant, Issal Chaudhary, but as per the MLR of the said Issal Chaudhary, there is no injury on the back of the said complainant. It is further submitted that no injury which is grievous in nature or dangerous to life has been attributed to the petitioner.

Learned State counsel on the other hand, has opposed the present petition for regular bail and has submitted that the baseball has been recovered from the present petitioner and in the present case two persons have been injured and Vikrant @ Vikky, who is co-accused of the petitioner has been attributed grievous injury with '*kirpan*' on the head of the complainant with the intention to kill.

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

The petitioner is in custody since 07.06.2022 and the presentation of '*challan*' as well as the trial is likely to take time and the petitioner is stated to be not involved in any other criminal case. The petitioner is stated to have given one injury on the back of the complainant. It is not a case of the prosecution that any injury declared grievous or dangerous to life injury has been attributed to the petitioner. The weapon, i.e. baseball (bat) has already been recovered from the petitioner and thus, no purpose would be served in keeping the petitioner in further incarceration.

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/CJM concerned and subject to him not 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.

September 01, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No