

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

203

CRM-M-43075-2021
Date of decision: 23.03.2022

DISHANT

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Ms. A.K. Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

1. The instant petition is for seeking concession of regular bail in case FIR No. 3 dated 07.01.2021 under Sections 307, 324, 323, 148 & 149 IPC and Sections 25 and 27 of the Arms Act (Section 325 and 326 IPC were added later on) registered at Police Station City Batala, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner has argued that the FIR was registered on the statement of one Gomji Kalyan with the allegation that on 03.01.2021, he along with his brother Bharat Kalayan had gone to the office of their father and when they were on the street, Ajay son of Joginder Pal and 16 other persons including petitioner who was alleged to be armed with a datar, caused injuries to them. The attribution against the petitioner is to the effect that he caused injury on the forehead of Bharat Kalayan (brother of Gomji Kalayan) with datar.

As per the MLR of Bharat Kalayan he had suffered 06 injuries including the injury attracting Section 307 IPC. He points out that there are total 17 accused in the instant case and that the investigation of the case is complete. The petitioner is in custody since 06.08.2021 and he does not have any other criminal antecedents. Investigation is complete and he is not required for any investigation.

3. Learned counsel for the State does not dispute the factual aspect but argues that the injury attracting Section 307 IPC is attributed to the petitioner and hence the instant petition deserves to be dismissed.

4. I have heard learned counsel appearing on behalf of the respective parties.

5. Undisputedly, the petitioner is in custody since 06.08.2021 and had himself surrendered in the said case. The investigation of the case is already complete and no recovery of any nature whatsoever is to be effected from the petitioner. It is further evident that the charge in the case has not yet been framed and conclusion of the trial shall take a long time. The petitioner does not have any criminal antecedents. Hence, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

6. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 23, 2022

vishal sharma

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*