

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

216

CRM-M-42858-2021 (O&M)

Date of Decision: 20.07.2022

KAMAL ALIAS KARTIK

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Digvijay Nagpal, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.261 dated 16.11.2020, registered under Sections 323, 341, 325 and 34 IPC and Sections 307, 506 and 201 IPC (added later on), at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner submits that at the time of the alleged incident, the petitioner was 18 years of age; that the petitioner has been indicted in the present case on the basis of some money dispute between the complainant and one Saurabh Sharma @ Abhi and that though an injury attracting Section 307 IPC has been attributed to the petitioner, yet the fact remains that the petitioner has been in custody since 11.04.2021. He further submits that there is a delay of five days in lodging the FIR and that Section 307 IPC was added later on.

Per contra, while opposing the prayer for grant of regular

bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that a specific injury attracting Section 307 IPC, on the head and chest of injured, namely, Arwinder Singh, has been attributed to the petitioner. He further submits that there are total 12 prosecution witnesses, only five have been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 11.04.2021. The complainant was discharged from the CMC Hospital on 14.11.2020 and taken to a private hospital. Section 307 IPC has been added later on. Seven prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, 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 learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

20.07.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>