

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41266-2022
Date of decision : 14.11.2022

Rahul Kumar alias Anda and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Hitesh Chopra, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

Mr. G.S.Bhinder, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioners in FIR no.0074 dated 09.05.2022 registered under Sections 307, 324, 323, 148, 149 IPC at Police Station Division no.2, District Pathankot.

Learned State counsel as well as learned counsel for the complainant have stated that as far as petitioner no.2 is concerned, injury under Section 307 IPC has been attributed to him.

Learned counsel for the petitioners seeks to withdraw the petition qua petitioner no.2-Vikrant Singh @ Vicky, at this stage.

Learned counsel for petitioners has submitted that as far as petitioner no.1 Rahul Kumar @ Anda is concerned, he has been in custody

since 07.06.2022 and the investigation is complete and the challan has already been presented and there are 16 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that only one injury has been attributed to petitioner no.1 which although is a grievous injury but is on the knee of left leg of the injured which is a non-vital part.

Learned State counsel as well as learned counsel for the complainant, on the other hand, have opposed the present petition for regular bail and have submitted that the injury on the knee of left leg attracts Section 326 IPC. The other facts have, however, not been disputed.

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

Petitioner no.1 Rahul Kumar @ Anda has been in custody since 07.06.2022 and the investigation is complete and the challan has already been presented and there are 16 witnesses, out of which, none have been examined and thus, the trial is likely to take time. Petitioner no.1 is stated to be not involved in any other case. The injury attributed to petitioner no.1 is on a non-vital part.

Keeping in view the above said facts and circumstances, the present petition is allowed qua petitioner no.1-Rahul Kumar @ Anda 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 and subject to him not being required in any other case.

The petition qua petitioner no.2- Vikrant Singh @ Vicky is dismissed as withdrawn, at this stage.

However, it is made clear that in case, any act is done by

petitioner no.1 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 petitioner no.1.

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.

(VIKAS BAHL)
JUDGE

November 14, 2022
Davinder Kumar

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