

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-49326-2021

Date of decision : 07.02.2022

Harshdeep Singh @ Harsh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Aditya Dassaur, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.113 dated 26.06.2021 registered under Sections 323, 324, 148 and 149 IPC (Sections 325 and 326 IPC added later on) at Police Station Mahilpur, District Hoshiarpur.

Learned counsel for the petitioner has submitted that in the present case, only one injury has been attributed to the present petitioner, i.e. at the bottom of the right elbow with a *kirpan*, and the same has been subsequently declared as grievous. It has further been submitted that the said injury is on a non-vital part and the petitioner has been in custody since 30.08.2021 and the challan in the present case has already been presented and there are 14 prosecution witnesses and since the charges have not been framed and thus, the trial is likely to take time moreso, in view of the

present pandemic. It has further been submitted that the petitioner is not involved in any case and no further recovery is to be effected from the present petitioner and no purpose would be served by keeping the petitioner in further incarceration.

Learned State counsel has opposed the petition for regular bail and has submitted that the petitioner along with other co-accused had inflicted seven injuries upon the complainant and out of which, five injuries were declared as grievous. The other facts have not been disputed by the learned State counsel.

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been attributed with only one injury which is at the bottom of the right elbow, i.e. a non-vital part of the body and the petitioner is not involved in any other case and the petitioner has been in custody since 30.08.2021 and the challan in the present case has already been presented and there are 14 prosecution witnesses and none of them have been examined, and charges are to be framed yet and thus, the trial is likely to take time moreso, in view of the present pandemic and nothing is to be recovered from the present petitioner, the present petition for regular bail 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 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.

(VIKAS BAHL)
JUDGE

February 07, 2022
Davinder Kumar

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