

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

CRM-M-44738-2022

Date of decision: - 30.09.2022

Gurmeet

....Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sudesh K. Khurcha, Advocate,
for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor, for U.T., Chandigarh.

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.61 dated 26.04.2022, registered under Sections 307, 506 and 34 IPC (Sections 147, 148 and 149 IPC have been added later on), at Police Station Sector 39, Chandigarh.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 02.06.2022 and the investigation is complete and the challan has already been presented and there are total 23 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and there is no specific injury attributed to the petitioner with respect to any of the injured.

Learned Pubic Prosecutor appearing on behalf of the U.T.,

Chandigarh has opposed the present petition for regular bail and has submitted that there is a specific allegation against the petitioner that he had held the left hand of injured Ajay (brother of the complainant) and other co-accused had given sword blow to Ajay, as a result of which, six injuries have been suffered by the said Ajay, out of which three injuries have been declared to be grievous in nature. It is submitted that in the present occurrence, Bala Devi, mother of the complainant has also been injured and she has suffered three injuries, although the said injuries have been declared as simple in nature.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner has been in custody since 02.06.2022 and the investigation is complete and the challan has already been presented and there are total 23 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case and the petitioner has not been attributed any specific injury.

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 and subject to him not being required in any other case.

However, 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

is only for the purpose of adjudicating the present bail petition.

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.

September 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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