

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CRM-M-51441-2021

Date of decision: - 09.02.2022

Dharamvir Sharma

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vaneet Kumar Sharma, Advocate,
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.111 dated 30.08.2021, under Sections 324, 506, 148 and 149 IPC (Section 326 IPC added later on), at Police Station Daba, District Ludhiana.

Learned counsel for the petitioner has submitted that in the present case the petitioner has been attributed only one injury, which had been declared simple in nature. It is further submitted that the petitioner is not involved in any other case and he has been in custody since 08.10.2021 and there are 15 prosecution witnesses, none of whom have

been examined and the trial is likely to take time to conclude, moreso, in view of the present pandemic and thus, the petitioner deserves the concession of regular bail.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the injuries given by the petitioner is on the head of the complainant and has been inflicted with a '*datar*'. It is further submitted that co-accused of the petitioner has given two other injuries to the complainant, which are grievous in nature. The other factual averments made by the learned counsel for the petitioner, however, have not been disputed by learned State counsel.

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

Keeping in view the facts and circumstances of this case, moreso, the fact that only one injury has been attributed to the petitioner, which although is on a vital part of the body of the complainant, but has been declared to be simple in nature and the petitioner is stated to be not involved in any other case and has been in custody since 08.10.2021 and the challan has already been presented and there are 15 witnesses, none of whom have been examined and the trial is likely to take time, moreso, in view of the present pandemic and thus, the present petition for grant of regular bail deserves to be allowed.

Accordingly, 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 / CJM, and subject to him not being required in any other case.

It is however made clear that in case the petitioner influences any witness then it would be open to the State to move an application for cancellation of bail of 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.

February 09, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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