

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

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**CRM-M-51591-2021
Date of decision : 20.01.2022**

RAVINDER SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Devinder Kumar Kaushal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Sartaj Singh Narula, Advocate
for the complainant.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.86 dated 23.06.2021 under Sections 323, 341, 307, 326, 325, 506 and 34 IPC, registered at Police Station Mullanpur, District SAS Nagar.

Learned counsel for the petitioner argues that in the present case, the injury is on the eye of the victim though, the same is grievous in nature but cannot be treated as a life threatening so as to invite Section 307 IPC. Learned counsel for the petitioner further submits that as the investigation is already over and the challan has also been presented, the petitioner be granted the concession of regular bail as the trial is likely to take some time before it concludes.

Learned State counsel on the other hand submits the injury

which allegedly has been caused by the petitioner, is of such a nature that the victim has lost his eye and weapon which has been used to inflict injury is Axe which shows the intention of the petitioner was to cause death as the blow was intended on the head of the victim which apparently landed on the eye of the victim and hence, keeping in view the facts and circumstances of this case especially when the complainant is yet to be examined, the prayer of the petitioner for grant of regular bail may kindly be declined.

Learned counsel appearing on behalf of the complainant submits that keeping in view the intention of the petitioner that the petitioner had used Axe to hit the victim on his head shows the intention was to kill the victim and the injury which the victim has sustained on his eye, makes out a case under Section 326 of the IPC and as the petitioner is facing charges under Section 307 and 326 of the IPC, for which the petitioner can face life imprisonment, the prayer of the petitioner for grant of regular bail may kindly be declined.

Learned counsel for the petitioner submits that no challan has been presented under Section 326 IPC and the same is under Section 325 IPC and therefore, the argument being raised by the learned counsel appearing on behalf of the complainant may kindly be ignored.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case where, the victim has received grievous injury and has lost his eye and the same is alleged to have been inflicted by the petitioner with the Axe intended at the head of the victim coupled with the facts that the charges are yet to be framed and complainant is yet to be examined, no ground is made out to

grant the petitioner the concession of regular bail at this stage only on the ground that the petitioner has suffered incarceration for the last seven months. The grant of bail to the petitioner at this stage is likely to influence the trial as the complainant, is yet to be examined. Prayer for the grant of bail is accordingly rejected.

At this stage, the learned counsel for the petitioner submits that direction be given to the trial Court to examine the complainant as the first witness in case, the charges are framed on the basis of the the challan submitted by the Investigating Agency.

Learned State counsel as well as learned counsel for the complainant raises no objection for the grant of the said prayer.

Keeping in view the above, though the prayer of the petitioner for the grant of the regular bail has been declined but the trial Court is directed that in case, the charges are framed against the petitioner on the basis of challan submitted by the Investigating Agency, the complainant be examined as the first witness within a period of eight weeks of the framing of the charge.

Nothing mentioned in this order will influence the trial Court in any manner even when the report submitted by the Investigating Agency under Section 173 of Cr.P.C. is taken up for consideration.

(HARSIMRAN SINGH SETHI)
JUDGE

20.01.2022
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Whether speaking/reasoned	Yes
Whether Reportable :	No