

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47878-2022

Date of decision : 21.10.2022

Sher Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Malhar Singh Dhami, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.34 dated 10.07.2022 registered under Sections 323, 307, 506, 34 IPC (Section 326 IPC added later on) at Police Station Morinda, District Rupnagar.

Learned counsel for the petitioner has submitted that the petitioner is 80 years old and has been in custody since 15.07.2022 and the investigation is complete and the challan has already been presented and there are 10 witnesses, out of which, none have been examined and thus, the trial is likely to take time. It is submitted that as per the allegations levelled in the FIR it is the petitioner who had caught hold of the father of the complainant and Sandip Kumar and Pawandip Singh had given injuries to the father of the complainant. It is further submitted that only one injury has been suffered by the father of the complainant. It is stated that the petitioner

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the supplementary statement dated 11.07.2022, the complainant has also stated that the present petitioner was also armed with a stick and had given beatings to the father of the complainant.

Learned counsel for the petitioner, in rebuttal, has submitted that only one injury has been suffered by to the father of the complainant and at any rate, neither any injury under Section 307 IPC, nor under Section 326 IPC has been attributed to the present petitioner.

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

The petitioner is stated to be 80 years old and has been in custody since 15.07.2022 and the investigation is complete and the challan has already been presented and there are 10 witnesses, out of which none have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. No injury under Sections 307 and 326 IPC has been attributed to the present petitioner. The injured, who is the father of the complainant, is stated to have suffered only one 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, 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

October 21, 2022
Davinder Kumar

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