

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47584-2022

Date of decision : 10.11.2022

Sunit Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.S.K.Choudhary, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, 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.74 dated 09.05.2022 registered under Sections 307, 324, 323, 148, 149 IPC at Police Station Division no.2, District Pathankot.

Learned counsel for the petitioner has submitted that the petitioner has not been named in the FIR and in addition to the six persons, 4-5 other persons were also stated to be involved in the incident and against the said 4-5 unknown persons, no specific injury has been attributed nor any specific weapon was stated to be carried by the said unknown persons. It is further submitted that the petitioner has been named in the statement given by the injured Prince on 25.08.2022 and even as per the said statement, no specific injury has been attributed to any person nor the petitioner was stated to be carrying any weapon. It is stated that the petitioner has been in

time. It is further stated that the petitioner is not involved in any other case and no recovery of any weapon has been effected from the present petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner, as per the statement of injured Prince recorded on 25.08.2022, was also present at the spot along with other accused. The other facts have, however, not been disputed.

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

The petitioner has been in custody since 10.09.2022 and the investigation and the trial is likely to take time. The petitioner is stated to be not involved in any other case and was not named in the FIR and in the FIR, although it was stated that in addition to 6 persons, there were 4-5 unknown persons but neither any specific injury has been attributed to them, nor any specific weapon was stated to be carried by the said unknown persons. The petitioner has been implicated on the basis of the statement of injured Prince recorded on 25.08.2022 and even as per the said statement, no injury has been attributed to present petitioner nor he was stated to be carrying any weapon.

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

November 10, 2022
Davinder Kumar

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