

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226)

CRM-M-48243-2022

Date of decision: - 21.10.2022

Arjun Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Vaibhav Narang, Advocate,
for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

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.407 dated 28.10.2020, registered under Sections 324, 341, 506 and 392 IPC (Sections 411, 201, 506, 308, 379-B and 326 IPC have been added later on), at Police Station Zirakpur, District Police SAS Nagar (Mohali).

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 05.11.2020 and the challan has been presented and there are total 16 prosecution witnesses, out of whom, 12 are yet to be examined, thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any case and the complainant has already been examined. It is also submitted that the FIR in the present case was against unknown persons and although, as per the

prosecution case, the petitioner and one Lachhman were stated to have been carrying a knife and had inflicted injuries upon the complainant, but none of the said injuries were declared to be dangerous to life. It is argued that the complainant was in fact discharged from the Government Medical College and Hospital, Sector 32, Chandigarh, inasmuch as, he had been admitted on 27.10.2020 and was discharged on 29.01.2020. It is stated that co-accused of the petitioner Lachhman, who is similarly placed as the present petitioner, has been granted the concession of regular bail, vide order dated 22.08.2022 passed in CRM-M-20360-2022.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the complainant in the present case had suffered several injuries from a sharp edged weapon, which have been caused by the present petitioner and co-accused Lachhman. It is also submitted that the complainant was discharged in two days on account of Covid protocol. The other factual aspects, however, have not been disputed by learned State counsel.

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

The petitioner has been in custody since 05.11.2020 and the challan has been presented and there total 16 prosecution witnesses, out of whom, 12 are yet to be examined, thus, the trial is likely to take time. The complainant has already been examined in the present case. The petitioner is stated to be not involved in any other case. Although, the petitioner and co-accused Lachhman have been attributed injuries with a knife, but none of the injuries were declared to be dangerous to life. The

complainant was discharged from the hospital in two days, inasmuch as, he had been admitted on 27.10.2022 and was discharged on 29.10.2022.

Keeping in view the abovesaid 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 his 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 petitioners.

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.

October 21, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No