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

CRM-M-53540-2022

Date of decision : 23.11.2022

Vishal Kumar @ Vishu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harinder Singh Aujla, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.92 dated 13.04.2022 registered under Sections 323, 341, 34 of Indian Penal Code, 1890 (Section 326 of IPC has been added later on), at Police Station Sadar Amritsar, District Police Commissionerate Amritsar, Punjab.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 16.04.2022 and investigation is complete and challan has been presented and there are 10 prosecution witnesses, out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is contended that although the injury

attracting Section 326 has been attributed to the present petitioner but the complainant is fine and he was discharged from the hospital after four days.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner had given injuries on the chest of the complainant, which attracted Section 326 of IPC. However, the other facts as stated by learned counsel for the petitioner have not been disputed by him.

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

In the present case, the petitioner is in custody since 16.04.2022 and investigation is complete and challan has been presented and out of 10 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time. The petitioner is stated to be not involved in any other case and the complainant had been discharged from the hospital after four days.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, 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 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 an 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 application.

23.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No