

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-56299-2022

Date of decision : 08.12.2022

Anmol Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Vipin Mahajan, Advocate
for the petitioner.

Mr.Iqbal S.Mann, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.56 dated 25.05.2020 registered under Sections 307, 324, 148, 149 IPC at Police Station Ghanie Ke Bangar, Police District Batala, Gurdaspur, District Gurdaspur, Punjab.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 04.07.2022 and the investigation is complete and the challan has already been presented and there are 20 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is submitted that in the present case, the FIR has been registered after a delay of more than 2 months and 17 days inasmuch as the incident is of 08.03.2020 and the FIR has been registered on 25.05.2020. It is further submitted that a perusal of the MLR would show that injury no.1 although

has been wrongly declared as the injury which attracts offence under Section 307 IPC inasmuch as a perusal of the report (Annexure P-3) would show that it had been observed that injury no.1 could be dangerous to life if timely intervention was not taken. It is stated that the petitioner, without admitting his liability, is ready to pay an amount of Rs.20,000/- for medical expenses of the complainant. It is further stated that the petitioner is now keeping good health.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner has been attributed two injuries which is on the finger of the left hand of the complainant and the other on the forehead with a *datar*. The other facts have, however, not been disputed.

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

Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 04.07.2022 and the investigation is complete and the challan has already been presented and there are 20 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case and there is a delay of more than 2 months and 17 days in registration of the FIR inasmuch as the incident is of 08.03.2020 and the FIR has been registered on 25.05.2020 and the complainant is now keeping good health and the question whether in the present case offence under Section 307 IPC would be attracted or not, would be finally adjudicated during the course of the trial, 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.

The petitioner is directed to deposit an amount of Rs.20,000/- with the trial Court within a period of three weeks from today and the trial Court is directed to release the same to the complainant. The deposit of said amount would not be deemed to be an admission of guilt on behalf of the petitioner. It is, however, made clear that in case the said amount is not deposited within the aforesaid period, then it would be open to the complainant and the State to move an application for cancellation of bail.

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

December 08, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No