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

CRM-M-57138-2022
Date of decision: 13.12.2022

Ravi Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Saurav Bhatia, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Madan Sandhu, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

This is a first petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.177 dated 11.12.2021 registered under Sections 341, 323, 324, 325, 307, 148, 149 of Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 (Section 326 of IPC has been added later on and Sections 148 and 149 of IPC have been deleted later on) at Police Station Bareta, District Mansa.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 21.04.2022 and investigation is complete and challan has been presented and there are 36 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-Ravi Sharma, along with Harmesh Chand, has been attributed injuries on the non-vital body parts of the complainant i.e. arms and legs. It is contended that the injuries which have been allegedly caused by the present petitioner are stated to be inflicted with the blunt weapon i.e iron rod and thus, at best, the offence under Section 325 of IPC would be attracted against the present petitioner. It is further contended that the complainant is now keeping good health and that the petitioner, in order to show his bona fide and without admitting his liability, is ready to pay an amount of Rs.50,000/- to the complainant for his medical expenses.

On the other hand, learned State Counsel and learned counsel for the complainant have opposed the present petition for grant of regular bail to the petitioner and have submitted that the complainant had suffered seven injuries, out of which, five are grievous injuries and that the petitioner is involved in other cases as well.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument, has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as ***2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing

away from the jurisdiction of the Court etc.”

Learned counsel for the petitioner has further submitted that the petitioner would not go close to the house of the complainant.

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

Keeping in view the abovesaid facts and circumstances more so the facts that in the present case, the petitioner is in custody since 21.04.2022 and investigation is complete and challan has been presented and out of 36 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time and also the fact that the injuries attributed to the petitioner are on the non-vital parts of the complainant's body and the fact that the complainant is now keeping good health and also in view of law laid down in ***Maulana Mohd. Amir Rashadi 's*** case (Supra), 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 and also subject to the petitioner giving an undertaking before the trial Court that he will not go close to the house of the complainant.

The petitioner is directed to deposit an amount of Rs.50,000/- with the trial Court within a period of two weeks from today and the trial Court is directed to release the same to the complainant.

The payment of the amount of Rs.50,000/- would not be construed as an admission of guilt by the petitioner.

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.

It is, however, clarified that in case, the abovesaid conditions are not complied with within the stipulated period, then the present petition would be deemed to have been dismissed.

December 13, 2022

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**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No