

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-58088-2022

Date of decision : 19.12.2022

Rajat @ Ghora

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Harpreet Singh Oberoi, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no. 32 dated 03.04.2022 registered under Sections 307, 323, 324, 326, 148, 149 IPC at Police Station Jalandhar Cantt., District Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 11.07.2022 and the investigation is complete and the challan has already been presented and there are 26 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 further submitted that the petitioner has been attributed two injuries on left hand of the complainant with a *datar (Khanda)* and the same are labelled as injuries no.6 and 7, out of which, injury no.6 has been declared to be simple in nature and injury no.7 has been declared to be grievous in nature. It is

stated that as per the FIR, no specific injury has been attributed to the present petitioner but as per the statement which the injured recorded, which was after a period of 15 days from the registration of the FIR, the said two injuries have been attributed to the present petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that even though two injuries which have been attributed to the present petitioner were on the left hand, but one of them has been declared to be grievous in nature. 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 11.07.2022 and the investigation is complete and the challan has already been presented and there are 26 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 the injuries attributed to the present petitioner are on a non-vital part of the body i.e., left hand and out of said two injuries, one injury has been declared to be simple in nature and the other one has been declared to be grievous in nature, 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

December 19, 2022
Davinder Kumar

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