

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4018-2023 (O&M)

Date of Decision: 1.3.2023

Lachhman Sharma alias Bamb

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vishal Goel, Advocate
for the petitioner.

KARAMJIT SINGH, J. (Oral)

CRM-9039-2023

Notice of the application.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of
the State and pleads no objection if the same is allowed.

Accordingly, the application is allowed and the main case is
taken on board today itself.

Main case

Prayer in the present petition under Section 439 of Code of
Criminal Procedure is for grant of regular bail to the petitioner in case FIR
No.249 dated 31.10.2021 registered for the offences punishable under
Sections 307, 324, 323, 506, 148, 149 IPC and Sections 25, 27 of Arms Act
at Police Station Sadar Samana, District Patiala.

Counsel for the petitioner *inter alia* contends that the petitioner
is falsely implicated in the present case and otherwise, only simple injury is
attributed to the petitioner that too on non-vital parts of the body of Jarnail
Singh. He further submits that co-accused Ram Sharma alias Ram is already

enlarged on regular bail by this Court vide order dated 28.10.2022 passed in CRM-M-26019-2022.

Notice of motion.

Mr. C.L.Pawar, Addl. AG, Punjab accepts notice on behalf of the State and has submitted that at the time of the occurrence, the petitioner was armed with Sword and he gave its blow on the left biceps of Jarnail Singh and the said injury was found to be grievous in nature; that the petitioner also caused injury with the help of Sword on the person of Nachhattar Singh. However, the State counsel has not disputed the fact that the petitioner is in custody since 23.5.2022 and is not having any criminal history and that after completion of investigation, the police has presented the challan.

I have considered the submissions made by the counsel for the parties.

There are allegations against the petitioner that at the time of the occurrence, he caused injuries to Jarnail Singh and Nachhattar Singh with the help of sword and as per State counsel, both the said injuries were found to be grievous in nature. During the investigation, the weapon used in the commission of the crime is stated to have been recovered at the instance of the petitioner who is in custody for the last more than 9 months. The police has completed the investigation and the challan stands presented but charges are yet to be framed as has been stated by the State counsel.

It will take considerable time for the trial to conclude even after framing of charges. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 1, 2023
Paritosh Kumar

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