

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

(218)

CRM-M-14694-2023

Date of Decision : July 20, 2023

Amritpal @ Vinay**.. Petitioner****Versus****State of Punjab****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Gagandeep Singh Simble, Advocate, for the petitioner.

Mr. Jaswinder Singh Arora, Deputy Advocate General,
Punjab.**HARSIMRAN SINGH SETHI J. (ORAL)**

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No. 84 dated 11.04.2022 registered under Sections 323, 324 and 34 of the IPC, 1860 (Section 307 IPC added later on) at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner argues that the allegations which have been alleged against the petitioner, are false and FIR has been registered after a delay of about 18 days which itself puts doubt on the prosecution story. Learned counsel for the petitioner submits that the petitioner is in custody since 28.12.2022 hence, as the challan has already been presented and the investigation is over, the petitioner may kindly be granted the concession of regular bail as keeping the petitioner behind the

bars during the entire period of trial, will serve no purpose.

3. Learned State counsel, on the instructions from ASI Davinder Singh, submits that in the present case, the injury, which has been attributed to the petitioner, has been described as dangerous to life keeping in view the opinion of the doctor. Learned State counsel further submits that as of now, even the complainant has not been examined so far hence, the grant of regular bail, at this stage, will hamper the trial.

4. Learned counsel for the petitioner further submits that if the life threatening injury was suffered on the date of incident, why the victim was got admitted on the next date.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The argument of the learned counsel for the petitioner that the FIR was registered after a period of 18 days, the said factum is yet to be proved during the trial and whether, there was any extraneous consideration of the same, will only be proved on the basis of the evidence which will come and cannot be taken as a ground to treat that the petitioner was innocent or the allegations alleged against him were false on the face of it.

7. With regard to the argument that the victim was admitted to hospital on the next date, it is a conceded position that the incident took place around 11:30 PM and admission to the hospital is on the very next date so it can be safely presumed that half an hour gap which was there between two days, could have been consumed in taking the victim to the hospital as no time of admission in the hospital is mentioned and only the date of admission in hospital is mentioned and admission in the hospital could be early morning, hence, the said ground cannot come to the rescue of the petitioner so as to seek the bail.

8. It is a conceded position that the victim has suffered a life threatening injury and once, a life threatening injury has been attributed to the petitioner and the complainant is yet to be examined, no ground is made out for the grant of regular bail to the petitioner, at this stage, keeping in view the status of the trial.

10. Dismissed.

July 20, 2023

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No