

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-17616-2023

Date of decision : 20.04.2023

Karandeep Chauhan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present:- Ms.Sukhan Rangi, Advocate
for the petitioner.

Mr.Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.272 dated 19.11.2021 registered under Sections 307, 341, 324, 323, 506, 34 IPC (Section 326 IPC added later on) at Police Station Anaj Mandi, District Patiala.

2. Learned counsel for the petitioner has submitted that the petitioner has been in custody since 22.11.2021 and out of 27 witnesses, 24 witnesses are yet to be examined and even one partial cross-examination of a witness is yet to be conducted and thus, the trial is likely to take time. It is further submitted that the petitioner had previously filed a bail application which was withdrawn on 22.04.2022 and in the said order it was specifically directed that Jeet Khan and injured Jagtar Khan be examined as expeditiously as possible. It is stated that although said Jeet Khan has been

one year, evidence of Jagtar Khan has not been completed. It is further stated that Jagtar Khan had been examined in chief on 01.02.2023 and thereafter the case was adjourned as the State had not produced the case property in the Court. It is submitted that the evidence of Jagtar Khan was to be recorded on 01.03.2023 again (page 59 of the paper book) but had been deferred for want of case property. It is further submitted that on 27.03.2023, the examination-in-chief of said Jagtar Khan was over and counsel for the accused was cross-examining the said witness without seeking any adjournment but the case had to be adjourned to 27.04.2023 on account of the court time being over. It is stated that the petitioner is not involved in any other case. It is further stated that the petitioner is not named in the FIR and even a perusal of evidence of PW Jagtar Khan, who is the complainant-alleged injured, would show that he has specifically stated in his cross-examination that he has not identified the present petitioner as an accused person with the police after his arrest and that he had identified the accused (petitioner) in Court on 01.02.2023 and prior to that he had never identified the present petitioner in any test identification parade conducted before any Executive Magistrate or in any court of law. It is submitted that even as per the case of the prosecution, the petitioner was not armed with any weapon and only fist blows have been attributed to the present petitioner. It is further submitted that the injured is now fit and he has given his evidence as is apparent from his statement which has been annexed as Annexure P-15.

3. Learned State counsel, on the other hand, has opposed the present petition and has submitted that in the present case, there are 16 injuries, out of which 1 to 4 are grievous in nature and the other are simple

in nature and as per the prosecution case, the petitioner was riding the motor

cycle on which co-accused Sunny was the pillion rider. It is further submitted that recovery of motor cycle has been effected from the present petitioner.

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

5. Keeping in view the above said facts and circumstances moreso, the fact that the petitioner has been in custody since 22.11.2021 and out of 27 witnesses, 24 witnesses are yet to be examined and cross-examination of one of the witnesses is also to be carried out and thus, the trial is likely to take time and also the fact that as per the evidence of the star witness PW-1 Jagtar Khan, who is the complainant and the alleged injured, he has not identified the present petitioner as an accused person with the police after his arrest and no test identification parade had been conducted before any Executive Magistrate or any court of law and also the fact that the petitioner was not named in the FIR and even as per the evidence of PW-1, only fist blows have been attributed to the present petitioner and the fact that the petitioner is not involved in any other case, 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.

6. 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.

7. 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

April 20, 2023
Davinder Kumar

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