

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

212

2023:PHHC:147588

CRM-M-21029-2023

Date of decision: November 21st, 2023

Rohit @ Cheeku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.221 dated 05.08.2022 under Sections 307, 324, 323, 341, 506, 34 of the IPC (challan presented under Sections 307, 326, 324, 341, 506, 34 of the IPC) registered at Police Station Tripri, District Patiala.

2. Learned counsel for the petitioner submits that a perusal of the FIR makes it apparent that it was a sudden quarrel, which erupted between jail inmates and during the occurrence, the petitioner inflicted a simple injury on the face of the complainant. Learned counsel submits that the investigation in the case in hand is complete and even charges stand framed, however, only one prosecution witness out of the 16 cited has been examined so far, hence, trial would take considerable time to conclude. Therefore, the petitioner deserves to be extended the concession of bail in the light of the fact that he has now been in custody in the instant case since 18.08.2022.

3. *Per contra*, learned State counsel on instructions, while opposing the prayer has not been able to dispute that the petitioner has been attributed only a simple injury on the face of the complainant. It has also not been disputed that similarly situated co-accused Tejpal has since been extended the concession of bail by a coordinate Bench of this Court vide order dated 23.08.2023. Learned State counsel has further submitted that the next date of hearing before the trial Court is 07.12.2023 when some of the other prosecution witnesses are likely to be examined. It has also been brought to the notice of this Court that the petitioner is involved in other criminal cases, however, it has not been disputed that the petitioner has not been granted bail in those cases and is in custody.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove, especially the nature of injury attributed to the petitioner, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 21st, 2023*Puneet***(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No