

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.21670 of 2023
Date of decision: 25th September, 2023

Shubham Kumar @ Shubham Bishnoi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.101 dated 08.11.2022 under Sections 379-B, 323, 411, 148, 149 IPC (Section 307 IPC was added later on) registered at Police Station S.G.N. Dev Thermal Plant, Bathinda.

2. On the last date of hearing, i.e. 14.09.2023, this Court noticed the following submissions made by the learned counsel for the petitioner:

“Learned counsel for the petitioner, while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, submits that two different versions have been brought forth therein qua the weapon, which was used by the petitioner in the occurrence in question. It has been submitted that while on the one hand, it has been alleged that the petitioner was armed with an iron rod, however, in the same breath, later on, in the FIR, it has been alleged

that the petitioner had inflicted injury with an iron kapa on the right leg of the injured-complainant. He further submits that the said injury as per the medico-legal report of the injured was opined to be simple in nature. Learned counsel submits that since investigation in the case in hand is complete and charges have also been framed, further incarceration of the petitioner would serve no useful purpose as it would take considerable time for the trial to conclude.”

3. Learned counsel for the petitioner has further submitted that 17 prosecution witnesses have been cited and thus, the trial shall take considerable time to conclude. A prayer has therefore, been made for extending the concession of bail to the petitioner.

4. Learned State counsel, on instructions from ASI Randhir Singh, has not disputed the submissions made by the counsel opposite that the petitioner has been attributed simple injury on the right leg of the complainant. He, on further instructions, has informed the Court that the injury under Section 307 IPC, which was declared dangerous to life and had been inflicted upon injured Monu, had been attributed to some unknown persons.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has now been in custody since 11.11.2022. The injury attributed to the petitioner, as per the version given by the complainant himself, was on the right leg, which was opined to be simple

in nature. There is no likelihood of the trial concluding in the near future as none of the 17 prosecution witnesses cited have been examined till date. In the facts and circumstances as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 25, 2023
rps

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