

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21602-2023

Date of Decision: 5.5.2023

Bikram Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ramandeep, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

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.0317 dated 10.12.2022 registered for the offences punishable under Sections 324, 326 IPC at Police Station Patran, District Patiala.

2. FIR in the present case was got registered by complainant-Vishal Sharma alleging that on 8.12.2022 at about 10:00 p.m., the petitioner suddenly attacked him and caused injury with knife on the left side of his chest and then the petitioner fled away from there. During investigation, the petitioner was arrested.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case; that the petitioner is suffering from physical disability of left leg and it is highly improbable that after causing alleged injury to the complainant, he was able to fled away in the presence of large number of persons as some marriage ceremony was

going on at the spot. He further submits that it is debatable as to whether any offence under Section 326 IPC is made out. He further contends that even otherwise, offence under Section 326 IPC is triable by the Court of Judicial Magistrate, 1st Class and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on bail.

4. Present petition is resisted by the State counsel who on instructions from ASI Jagtar Ram submits that there are specific allegations against the petitioner that he attacked the complainant with knife and caused grievous injury which is covered under Section 326 IPC. However, the State counsel has not disputed the fact that during investigation, weapon used in the commission of the crime has been effected and challan stands presented and that the petitioner is having no criminal history and is in custody since 8.1.2023.

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

6. From the perusal of Annexure P-2, it appears that injury caused by the petitioner on the person of the complainant is found to be grievous in nature by the concerned doctor. Admittedly, all the offences are triable by the Court of Judicial Magistrate, 1st Class and during investigation, the petitioner was arrested and recovery of weapon of crime has been effected and presently, the petitioner is lodged in judicial custody and after completion of investigation, challan has been presented but it will take considerable time for the trial to conclude even after framing of charges. Further, the petitioner is having no criminal history. So, no useful purpose is going to be served by detaining the petitioner in custody for any further period.

7. 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

May 5, 2023
Paritosh Kumar

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