

(211) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23258-2023

Date of Decision:12.05.2023

Lal Deen

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. S.S. Gill, Advocate for the petitioner.

Mr. Mohit Chaudhary, A.A.G. Punjab.

SANDEEP MOUDGIL, J. (Oral)

This petition under Section 439 Cr.P.C has been filed for grant of regular bail to the petitioner in FIR No.23 dated 10.04.2022 registered under Sections 302, 452, 323, 324, 325, 379N(2), 148, 149 IPC at Police Station Mattewal, District Amritsar Rural.

Learned counsel for the petitioner contends that role attributed to him is inflicted injury on the nose which is simple in nature as per the medical record available with the investigating agency and has been filed alongwith the challan before the trial Court. Even the charge under Section 302 IPC has not been framed against the petitioner. In the light of the aforesaid facts, only offence under Section 323 IPC has been attracted.

Learned State counsel submits that the petitioner has given a blow on the nose with reverse side of Gandasa though the said injury was declared to be simple in nature as per post mortem report. He also produced the custody certificate which shows that the petitioner is behind bars for 1 year and 25 days.

Considering the totality of facts and circumstances and the submission made by the learned counsel for the parties, the petitioner is implicated

in the present case for an offence under Section 302 IPC but after examining the case, charges against the petitioner have been framed only under Section 323 IPC for which he has to face trial and on that account this Court is of the firm view that the petitioner has undergone reasonable period of incarceration of 1 year and 25 days having cause an injury on the nose which is declared to be simple in nature. Nothing is to be recovered from the petitioner. The trial is going on and out of 31 prosecution witnesses only three witnesses have been examined so far. The petitioner cannot be allowed to stay behind bars in view of Article 21 of the Constitution of India which includes right to life and speedy trial as well.

Considering the totality of facts and circumstances of the case particularly the custody already faced by the petitioner during the pendency of the trial which is likely to take long time to conclude, this petition is allowed and the petitioner is ordered to be released on bail subject to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

12.05.2023
rajeev

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No