

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207-3

CRM-M-24766-2023

Date of decision: 26.05.2023

Rahul Dogra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gulzar Mohammad, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Jaswinder Singh Rana, Advocate for
Mr. Sachdev Arora, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.32 dated 24.04.2021 under Sections 307/341/323/324/148/149/506 of the IPC registered at Police Station Division No.04, District Police Commissionerate Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand for allegedly inflicting a sharp grievous injury on the right arm of injured Daljit @ Sonu in the occurrence in question. He submits that in fact it was the petitioner who had received a sharp grievous injury on his right leg at the hands of injured Daljit @ Sonu at 04:50 P.M., just prior to the occurrence in question on 23.04.2021. He further submits that the medico legal report of the petitioner pertaining to the injury received by

him at the hands of injured Daljit @ Sonu further lends credence to his false implication and a twisted version having been brought forth by the complainant party while registering the FIR in question. It has still been further submitted that the petitioner is a man of clean antecedents as he is not involved in any other criminal case much less a case of similar nature. It has been thus urged that since there is no likelihood of the trial concluding in the near future as 18 prosecution witnesses out of the 21 cited remain to be examined, the petitioner be enlarged on bail.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, has not been able to dispute that the petitioner had also sustained a grievous injury on 23.04.2021. Learned State counsel, however, submits that all the 03 prosecution witnesses while stepping into the witness box had fully supported the case of the prosecution and had spelt out the role played by the petitioner in the crime in question including the datar injury inflicted on the forearm of injured Daljit @ Sonu. Learned State counsel has not controverted that the petitioner has clean antecedents and is not involved in any other criminal case.

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

5. The petitioner allegedly inflicted an injury on the non-vital part of the body of injured Daljit @ Sonu. Further, learned State counsel has not been able to dispute the fact that the petitioner had also received a grievous injury at 04:30 P.M. on the fateful day and a DDR was got recorded qua the same by the petitioner.

6. The petitioner has been in custody since 30.09.2021 and as

many as 18 prosecution witnesses still remain to be examined, hence, the trial would take considerable time to conclude. Still further, the petitioner has clean antecedents as he is not stated to be involved in any other criminal case.

7. In the facts and circumstances as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner and 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.

26.05.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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