

216 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-24762-2023

Date of decision: 19.05.2023

PRINCE

...Petitioner

V/s

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Tajinder Pal Singh, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

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MANJARI NEHRU KAUL J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0011 dated 13.02.2022 under Sections 323, 324, 148 and 149 of Indian Penal Code (Sections 325 and 326 of IPC added later on) registered at Police Station Satnampura, District Kapurthala (Annexure P-1).

2. Custody certificate has been filed by the respondent-State and the same is taken on record.

3. Learned counsel for the petitioner while drawing the attention of this Court to the allegations levelled in the FIR (Annexure P-2), submits that a perusal of the same reveals that the petitioner has not been attributed either of the injuries attracting the mischief of Sections 326 and 325 of IPC, which in fact, have been attributed to co-accused Onkar @Kuldeep @ Molu. He further submits that as per the allegations, the petitioner inflicted *dattar* blow on the head of the complainant, which injury was opined to be simple in nature. He submits that after the charges were framed, 01 out of 13 prosecution witnesses stands examined. Hence, there is no likelihood of the

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trial concluding in the near future.

4. Per contra, learned State counsel, while opposing the prayer made by the counsel opposite, has not been able to controvert the factual aspect of the role attributed to the petitioner and also that the injury attributed to him was a simple injury. However, he submits that it is an inter se dispute between the same family and there is one more case pending between the parties, in which he is on bail.

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

6. The petitioner, as also not disputed by the learned State counsel, has been attributed a simple injury on the complainant. The investigation in the case in hand is complete and now the prosecution evidence is underway. The trial, therefore, is going to take considerable time to conclude.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to grant the concession of regular bail to the petitioner. The present petition is allowed and 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.

7. Needless to add here that in case, the petitioner misuses the concession of regular bail granted to him, the State would be at liberty to approach this Court for cancellation of the bail in the instant case.

19.05.2023  
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(MANJARI NEHRU KAUL)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |