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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No. 25054 of 2023
Date of Decision: 24.05.2023**

Charanjit Singh @ Channa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Beant Singh Seemar, Advocate for petitioner.

Mr. Subham Kaushik, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.38, dated 12.03.2023 under Sections 323, 324, 148, 149, 506 of IPC (Section 326 of IPC added later on) registered at Police Station Focal Point, Ludhiana (Annexure P-2)

2. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He further submitted that even as per the FIR the petitioner is alleged to be standing there with a sword but no overt act has been attributed to him. He contended that the injuries allegedly sustained by the complainant are on non vital part of the body and there is a delay of three days in registration of FIR which created doubt regarding genuineness of the case. He submitted that the petitioner is a cricket player having no criminal background and as

such prayed for grant of regular bail.

3. Learned counsel for the petitioner further contends that as per the prosecution, on 09.03.2023, complainant Deepak Chaudhary reached Cricket Ground, Dhandari Khurd on receiving phone call from his friend Mahesh Gupta that some person has snatched money from him and also slapped him and then the complainant along with Mahesh Gupta and Shubham Verma went to the said person and asked him to return the money but that person called 8/10 persons armed with weapons, i.e Sword and bats etc. including one Gobind Birla armed with Iron Daat, Charanjit @ Channa and Hemraj, both armed with Swords caused multiple injuries to complainant as well as Mahesh Gupta and Shubham Verma. Injured were shifted to the hospital.

3. He further submits that petitioner was arrested in the case on 16.03.2023 and was released on bail on the same day after affecting recovery of Sword as the offences were bailable, however after addition of offences under Section 326 IPC petitioner was re-arrested on 22.03.2023 and since then he is in custody. He submits that the challan has already been presented in Court and the petitioner is no more required for investigation.

4. Learned State counsel has opposed the request for grant of regular bail by submitting that there is specific attribution to the petitioner having caused injury on the right hand of the complainant causing incision on his right thumb with Sword and as such, he is not entitled to bail.

5. Arguments heard and record perused.

6. After considering the rival contentions and going through the record, it transpires that the petitioner was arrested in this case on

16.03.2023 and after affecting recovery of Sword, he was released on bail as the offences were bailable. It is evident from record that on the addition of offences under Section 326 IPC, the petitioner was re-arrested on 22.03.2023 and since then he is in custody.

7. Learned State counsel has admitted the fact that the challan in the case has already been presented qua the petitioner. As per the case of the prosecution only one injury has been attributed to the petitioner which is on right thumb of the complainant. The challan against the petitioner having been already presented and no purpose would be served to detain him further in custody, as such, in the light of the facts and circumstances, the petitioner is ordered to be released on bail on his furnishing bail bonds amounting to ₹50,000/- or like amount to the satisfaction of learned CJM/Duty Magistrate concerned. The petitioner is further directed not to leave the country without prior permission of the Court and not to tamper with evidence of prosecution in any manner.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands disposed of.

(SANJIV BERRY)
JUDGE

24.05.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |