

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215-CRM-M-27718-2023

Date of Decision: 02.06.2023

RISHI SETH

... Petitioner

VS.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Ms. Rishma Verma, Advocate for the petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.185 dated 11.07.2022 under Sections 326/324/323/506 IPC, registered at Police Station Division No.8, District Jalandhar.

Learned counsel for the petitioner submits that the allegations against the petitioner are that he brought out dattar from the conductor side of the car and inflicted injuries on various parts of the body of the complainant. He contends that the petitioner has been arrayed as an accused in the FIR on account of previous enmity between the petitioner and the complainant, who is a drug addict and used to tease wife of the petitioner. The present FIR is a result of petitioner's objecting to the misdeeds of the complainant.

Notice of motion.

On the asking of the court, Mr. Mohit Chaudhary, AAG Punjab accepts notice and Mr. Anil Kumar Spehia, Advocate accepts notice for the complainant and has filed memo of appearance which is taken on record. Custody certificate dated 01.06.2023 has been filed, which is taken on record. According to the same, the petitioner has undergone 9 months 11 days of

custody. He is not found involved in any other case. Learned State counsel has opposed the bail on the ground that dattar blow was given on both the arms of the complainant and one of the injury has been declared to be grievous in nature.

Be that as it may, the injury is on the arm of the complainant which was given by a sharp-edged weapon dattar which has been recovered and the petitioner has undergone 9 months and 11 days of custody. The investigation of the case is complete and charges stand framed on 17.11.2022 and out of total 9 PWs only 3 PWs have been examined which shows that the trial is proceeding at a snail's pace. Moreover, the possibility of petitioner being nominated by the complainant in the FIR as a counterblast to his own misdeeds to which the petitioner is alleged to have objected to, also cannot be ruled out, at this stage.

In view of the above discussion and the fact that the trial is likely to take long time and particularly when no useful purpose would be served keeping the petitioner behind the bars and also that there are no criminal antecedents of the petitioner, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

02.06.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)

Judge

Yes/No
Yes/No