

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-28065-2023

Date of decision : 06.06.2023

SANJAY

.....Petitioner

VERSUS

U.T CHANDIGARH

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rakesh Kaundal, Advocate, for the petitioner.

Mr. Shashank Bhandari, Addl. P.P., for U.T. Chandigarh.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No.52, dated 12.05.2021, under Sections 147, 148, 149, 341, 307 of IPC, registered at Police Station Mauli Jagran, District Chandigarh (sections 326 and 506 of IPC added at the time of presenting challan).

2. Learned counsel for the petitioner has contended that the petitioner deserves the concession of regular bail even if the allegations qua him, as narrated in the FIR, are taken to be correct. As per the medical record, injuries whatsoever have been attributed to him which are multiple i.e. stabbing by knife on the person of victim, have been declared as grievous in nature. He has supported his assertion from a copy of medico-legal case summary, dated 01.06.2021, issued by the Government Medical College & Hospital, Sector 32, Chandigarh. He, therefore, prays for grant of regular bail to the petitioner.

3. Learned counsel for the State, on the other hand, has produced the custody certificate which is taken on record and on instructions from SI

Harnek Singh, has opposed the concession of regular bail qua the petitioner urging that he has given multiple stabbing wounds on the vital body parts of the person of victim i.e. on head, neck, left shoulder, left arm and right upper limb. He, therefore, prays for dismissal of the present petition.

4. Considering the facts that the petitioner is in custody for a period of 02 years and 25 days added with the fact that there is no other case against him whatsoever showing that he is a person with clean antecedents; learned counsel for the State could not controvert the factual aspect that all injuries attributed to the petitioner are grievous in nature as per medico-lagal case summary, dated 01.06.2021, which is a part of challan as investigation is complete and nothing is to be recovered from him; and the trial will take certainly long time as only 14 prosecution witnesses have been examined out of the total 22 witnesses till today, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India.

5. In view of above, the petitioner is directed to be released on regular bail on his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

6. The present petition stands allowed in the afore-said terms.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

06.06.2023

Harish

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No