

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

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**CRM-M-48353-2021 (O&M)
Date of decision: 16.01.2023**

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. I.S. Kooner, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 30 dated 30.04.2021 registered under Sections 307, 393, 511, 326, 34, 379, 411, 394 IPC, at Police Station Kheri Gandain, District Patiala. The first petition was withdrawn on 08.09.2021.

Learned counsel for the petitioner submits that there is a delay of 07 days in lodging the FIR; that the petitioner has falsely been implicated in the present case; that two injuries one on the head and second on middle finger of right hand of the complainant with a sword/Kirpan have been attributed to the petitioner; that there is no other injury on the right hand except middle finger, which is stated to be chopped off in the occurrence; that as per the allegations both the injuries are with a sword, but as per the opinion

of the doctor, injury no. 1 is with a blunt weapon, which has been declared simple in nature, and injury no. 2 has been declared to be caused with a sharp weapon, which has been declared grievous in nature and on a non-vital part; that it is not possible to chop middle finger only, while the hand was raised by the complainant and that the petitioner has been in custody since 01.05.2021.

Learned counsel for the petitioner further submits that as far as another FIR under Section 379 IPC against the petitioner is concerned, he is on bail in that case and that in the petition challenging the order of framing of charges, notice of motion has been issued by this Court.

Learned State counsel, while opposing the prayer for bail, submits that specific injuries have been attributed to the petitioner. The motorcycle used in the crime by the petitioner along with other co-accused is also a stolen one. The middle finger of the right hand of the complainant was chopped. As per the opinion of the doctor, injury No.2 was declared grievous in nature. However, she does not dispute the custody period of the petitioner.

Learned State counsel further submits that only complainant has been examined in-chief and since other co-accused have been arrested, the cross-examination has been deferred.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 01.05.2021. There is a delay of 07 days in lodging the FIR. The injuries attributed to the petitioner are not on the vital part. In another case under Section 379 IPC, the petitioner is on bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

16.01.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No