

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44114-2022(O&M)
Date of decision:- 17.08.2023

Kuldeep Singh @ Vicky

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Pardeep Kapila, Advocate
for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

Mr.Manjot Singh, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

CRM-34077-2023

Application is allowed, as prayed for. Testimony of Kesar Khan – PW1, Honey Khan – PW2 and Soni Khan – PW3 are taken on record as Annexures P-5 to P-7, respectively.

CRM-M-44114-2022

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
73	03.06.2022	Mullanpur, District SAS Nagar(Mohali)	324, 307, 506, 148 and 149 IPC (Sections 326 and 201 IPC, added later on)

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2. Version of the prosecution is that FIR Annexure P-1 has been registered on the statement of Kesar Khan, wherein he stated that at about 9:30 p.m. on 02.06.2022, he received information that his relative – Honey Khan is being assaulted by co-villagers Nana and Vicky (present petitioner) who are accompanied with 4-5 unknown persons. He rushed to the spot and saw that Vicky had stabbed Honey Khan in the abdomen with a knife. When he tried to intervene, Nana stabbed him in the chest and on his back. He raised an alarm, people gathered at the spot and the accused fled away.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated. He contends that while narrating the history of the incident at the time of medical examination, the complainant has stated that he has been attacked by unidentified persons. It is his argument that investigation has not been properly conducted and co-accused Nana has been found to be innocent. He asserts that offence under Section 307 IPC is not made out. Counsel asserts that as all the three material prosecution witnesses i.e. Kesar Khan – complainant, Honey Khan – injured and Soni Khan – eye-witness, have been examined, petitioner, who is in detention since 05.06.2022, deserves to be enlarged on bail.

4. *Per contra*, State counsel, who is assisted by counsel for the complainant has opposed the prayer made in the petition by alleging that the injuries have been caused on the vital parts of Honey Khan, which have been declared to be grievous and dangerous to life. State counsel submits that the petitioner is an accused in another FIR registered against him under Section 323 IPC. Counsel for the complainant has made a reference to the MLR of

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Honey Khan in support of his arguments. As per instructions received by the State counsel, 3 out of 19 PWs have been examined.

5. I have heard and considered the submissions made by counsel for the parties.
6. The falsity of implication of the petitioner, role allegedly ascribed to him and the nature of injuries sustained by the complainant would remain a subject matter of debate before the trial Court. Noticing that all the vital witnesses have been examined and that the petitioner is in custody for the last more than 14 months as well as the stage of the trial, this Court unhesitatingly accepts the prayer made in the petition.
7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

17.08.2023

Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No