

2023:PHHC:117662

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

205 **CRM-M-43364-2023**
Date of Decision:-06.09.2023

RAVAIL SINGH @ RAVEL SINGH **...Petitioner**

Versus

STATE OF PUNJAB **...Respondent**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harchand Singh Bath, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. This second petition invoking the jurisdiction of this Court under Section 439 Cr.P.C. has been moved with a prayer for grant of regular bail to the petitioner in FIR No.165 dated 23.12.2022 registered under Sections 307, 323, 324, 326, 506, 201, 148 and 149 IPC at Police Station Verowal, District Tarn Taran.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. As per the allegations levelled against him in the FIR, injuries have been attributed to the petitioner, which are said to be dangerous to the life of the injured-complainant. He submits that the complainant-injured is now living a normal life. Therefore, injury attributed to the petitioner is not severe to term it to be dangerous to life and adding of offence under Section 307 IPC shall not be made out qua him. He further submits that investigation is complete and challan has been presented.

3. Custody certificate has been produced by learned State counsel, which is taken on record. Copy of the same has been furnished to the learned

counsel for the petitioner.

4. Be that as it may, having perused the medical legal report dated 17.12.2022 prepared by the Board of Doctors, it does not suggest any external injury on the body of the injured-complainant but has opined that injury No.1 and 2 are declared as dangerous to life, whereas injury No.3 has been held to be grievous in nature, according to the opinion of the Doctors.

5. This Court is oblivious of the fact that there is no mentioning of wound in the said report and accordingly the nature of any such injury qua the size of such wound is not available, meaning thereby there is no external wound available on the body of the injured-complainant, which makes the story of the prosecution highly improbable, at least for considering the bail application for grant of regular bail to the petitioner.

6. Perusal of the custody certificate further shows that there is no other case pending against the petitioner, which makes his credentials of clean antecedents, who has already suffered 7 months and 20 days behind the bars. Challan has already been filed on 07.06.2023, trial will take some time to conclude and no custodial interrogation is required as nothing has been recovered from the petitioner.

7. Looking into the totality of facts and the discussions made hereinabove, this Court is of the firm view that no useful purpose would be served by keeping the petitioner behind the bars for uncertain period as it would violate the principle of right to speedy trial and expeditious disposal under Article 21 of the Constitution of India, as has been time and again discussed by this Court, while relying the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R.***

CRM-M-43364-2023

(Criminal) 131.

8. In the light of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
9. The present petition is, hereby, allowed.
10. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.09.2023
P.Bhatt

(SANDEEP MOUDGIL)
JUDGE

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