

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

CRM-M No.44513 of 2023
Date of decision: 28th November, 2023

Shubham Kumar @ Sachin

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anil K. Garg & Ms. Tania Mahajan,
Advocates for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0542 dated 30.12.2022 under Sections 324, 323, 506, 148, 149 of the IPC registered at Police Station Division No.7, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for having inflicted a grievous injury on the hand of the complainant with a Gandasi on 28.12.2022. He submits that there was an abnormal delay of 2 days in lodging of the FIR, which clearly indicates that a fabricated version had been brought forth against him. Learned counsel has further submitted that in a Magisterial trial, the petitioner has now been in custody since 30.12.2022 and after challan was presented on 28.02.2023, the trial has not made any headway as prosecution evidence has not yet commenced.

Learned counsel has, thus, prayed for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the submissions qua the status of the trial. However, he submits that the petitioner had trespassed into the house of the complainant, and thereafter, inflicted an injury on his hand inviting the mischief of Section 326 IPC. It has also been submitted that the petitioner was earlier also involved in another criminal case, however, he stands acquitted in the said case.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody for almost a year, having been arrested on 30.12.2022, and there is no likelihood of the trial concluding in the near future as none of the 16 witnesses cited by the prosecution, have been examined so far. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 28, 2023
rps

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