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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 44885 of 2023

Date of Decision:- 12.12.2023

KRISHAN SHARMA @ ROHIT SHARMA PANDIT

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Davinder Bir Singh, Advocate, for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
111	30.08.2021	324, 506, 148, 149, IPC (326 IPC added lateron)	Daba, District, Police Commissionerate, Ludhiana.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that as per allegations the injury attributed to the petitioner is on the wrist and is not on the vital part of the body and the petitioner is in custody since 07.06.2023

and the challan has already been presented, as such he prays for grant of concession of bail to the petitioner.

3. *Per contra* learned State counsel submits that the injury attributed to the petitioner is grievous in nature although not on the vital part of the body as such he does not deserve concession of bail. However, factum of challan presented and charges having been framed in the case is not disputed. He submits that out of 10 witnesses cited by the prosecution 1 witnesses has been examined and the other have been partly examined. Learned State counsel on instructions from ASI Jarnail Singh has clarified that the injury had not resulted in chopping of the hand.

4. After considering the respective submissions and perusing the record, it transpires that injury attributed to the petitioner is on the wrist, a non vital part of the body. The challan has already been presented in Court and the charges have been framed. Out of the 10 witnesses cited by the prosecution one witness has been examined and the other have been partly examined. The conclusion of trial in the present case triable by the Magistrate will take sufficient long time and only thereafter, the criminal liability, if any, on the petitioner could be ascertained.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave

the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.12.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No