

CRM-M-47104-2022
Date of decision: 10.04.2023

...PETITIONER

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Pratap Singh Gill, Advocate for the complainant.

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Jitender @ Jeetu-petitioner is seeking regular bail in the case bearing FIR No.556 dated 23.06.2022 under Sections 323/326/307/427/506 IPC, registered at Police Station City Karnal, District Karnal.

Learned counsel for the petitioner contends that the allegations are to the effect that the petitioner had inflicted three injuries on the person of the complainant by means of sword. None of the injuries has been declared to be dangerous to his life. The petitioner is in custody since 23.06.2022. Though, the charge was framed on 16.09.2022 but till date no witness has been examined. The petitioner is involved in two other cases under IPC but is on bail in both cases.

Learned State counsel and counsel for the complainant have opposed the bail application on the score that the petitioner had tried to inflict injury by means of sword on the neck but the left thumb of the injured was chopped off as

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 4. he tried to ward off the blow. The intention on the part of the petitioner indicates

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that the offence under Section 307 IPC is made out.

It has not been disputed that there is no medical opinion indicating that any of the injury was dangerous to life. Although, the left thumb of the injured was chopped off in the occurrence but significantly, the petitioner is in custody for a period of more than 09 and a half months. The controversy as to whether the offence under Section 307 IPC is made out or not will be a debatable and moot point during the course of trial. The charge was framed as back as on 16.09.2022 and till date, no witness has been examined. The investigation of the case is complete and the conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

10.04.2023
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(VIVEK PURI)
JUDGE

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