

(210) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47659-2022
Date of Decision: 19.01.2023

VISHAL @ GABHRU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. K.S. Bal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.86 dated 09.04.2021 (Annexure P-1) registered under Sections 307, 326, 323, 324, 506, 148, 149 of IPC with Police Station Sadar Amritsar, District Amritsar.

2. The brief facts of the case are that the statement of Rishabh son of Manjit Singh was recorded to the effect that he was doing labour work. His uncle Kalu had also visited their home. On 07.04.2021 at about 08.30 PM, when he along with his younger brother Gautam and uncle Kalu came out of the house, then near the Gurdwarawali Narrow Street, Vishal armed with a *Dattar*, Kallu armed with a *Sota*, Sabi Paster empty-handed, Vicky armed with a baseball and Sanju armed with a *Dang* were standing at Kirpal Colony, Majitha Road. Sabi Paster raised a *Lalkara* to teach them (complainant party) a lesson. Thereafter, Vishal alias Gabhru (petitioner) gave a blow of his *Dattar* on him (complainant) hitting the middle of his head due to which he

fell down. In that fallen condition, Lalli gave him a blow of a *Sota* on his waist. Sanju and Vicky also gave blows with a *Dang* and baseball. His brother Gautam and uncle Kalu raised a noise and then the accused ran away from the spot. He was thereafter taken to the hospital.

3. The learned counsel for the petitioner contends that the petitioner has been attributed a single injury on the person of the injured. It would be a matter of adjudication during Trial as to whether the said injury was dangerous to life in the absence of the blow being repeated. The petitioner was a first-time offender. He was in custody since 02.01.2022 and pursuant to the filing of the challan since none of the 18 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the grant of regular bail. Even otherwise, the injured was pursuing his daily activities not having suffered any permanent disability.

4. On the other hand, the learned State counsel contends that the petitioner is the main accused. He had inflicted an injury attracting Section 307 of IPC on the person of the injured. The nature of the allegations against the petitioner did not entitle him to the grant of regular bail. He, however, does not dispute the period of custody undergone by the petitioner, the stage of Trial as also the fact that the petitioner is a first-time offender.

5. I have heard the learned counsel for parties.

6. Admittedly, the petitioner has been in custody since 02.01.2022. None of the 18 prosecution witnesses have been examined so far. He is a first-time offender. The injured has not suffered any permanent disability and is

pursuing his daily activities. As such, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Vishal @ Gabhru son of Sarabjit Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

19.01.2023

JITESH

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