

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-47500-2023

Date of decision: 05.10.2023

Palvinder Singh alias Labba

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. Manvinder Sidhu, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.208 dated 06.07.2022 under Sections 148, 149, 323, 325, 452, 506, 307 and 120-B of the IPC registered at Police Station Chhappar, District Yamuna Nagar.

2. Learned counsel for the petitioner while drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, submits that no doubt the petitioner was named therein, however, the injury attributed to the petitioner was on the nose of injured Daljit, which was a nasal fracture. Learned counsel further submits that all the material witnesses including the witness to whom the petitioner allegedly inflicted the injury in question, had been examined, however, 12 prosecution witnesses out of the 18 cited, still remain to be examined. Hence, the trial was unlikely to conclude in the near future.

3. Per contra, learned State counsel assisted by learned

counsel for the complainant, while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Baldev, has not been able to controvert the factual aspect of the submissions made by the counsel opposite qua the role of the petitioner in the occurrence in question. It has also not been disputed that the injury inviting the mischief of Section 307 of the IPC has not been attributed to the petitioner but to co-accused Harvinder Singh. Learned State counsel has further submitted that the next date before the Trial Court is 16.10.2023 when some more prosecution witnesses are likely to be examined.

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

5. The petitioner has been in custody since 20.07.2022. All the material witnesses in the case in hand stand examined. The trial is unlikely to conclude in the near future. In the facts and circumstances of the case and the nature of injury attributed to the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

05.10.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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