

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

CRM-M-51628-2022

Date of Decision :17.04.2023

Harpal Singh @ Pala**..Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Shivam Joshi, Advocate for
Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Gurvinder Singh, AAG, Punjab.

Mr. Sunil Garg, Advocate for the complainant.

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.0023 dated 30.04.2021 registered under Sections 307, 325, 324, 506, 148 and 149 of the IPC (Sections 323 and 326 of the IPC added later on) at Police Station Rawalpindi, District Kapurthala.

Learned counsel for the petitioner argues that the petitioner is behind the bars since 17.09.2021 and though, the charges have already been framed and material witnesses including the victim as well as complainant have already been examined but as out of the total 18 cited witnesses, only 02 witnesses have been examined so far and the trial is likely to take some time before it concludes hence, the petitioner may kindly be granted the concession of regular bail.

On the other hand, learned State counsel submits that the

present is the case in which grievous and life threatening injuries have been inflicted by the accused and it shows that the intent of the accused was to affect the life of the victim hence, the prayer of the petitioner for the grant of concession of regular bail may kindly be rejected.

Learned counsel appearing for the complainant submits that keeping in view the injuries suffered by the victim, details of which have been given in the impugned order, it is clear that injuries were inflicted upon the right upper limb of the victim and there was almost total amputation of the left forearm hence, under these circumstances, the petitioner may not be granted the benefit of regular bail.

Learned counsel for the petitioner to rebut the arguments of the learned counsel for the complainant as well as learned State counsel submits that allegations being alleged against the petitioner in the FIR are of inflicting injuries on the right forearm above the wrist whereas, the major injury is on the left forearm, which fact makes it clear that injury which is considered as life threatening or grievous in nature is not attributed to the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

While considering the grant of regular bail to the petitioner, this Court is to ensure as to whether in the facts and circumstances of the present case, the petitioner can be granted the benefit of bail and it can also be ensured that he will not influence the trial in any manner. Further, keeping in view the allegations alleged against the petitioner and the details of the injuries given, actual facts will only emerge after the total evidence is led and the same is evaluated by the trial Court while concluding the trial.

Once, the material witnesses i.e. victim as well as complainant have already been examined and there are 16 witnesses, who are yet to be examined and the petitioner is behind the bars for the last almost one and a half years, no useful purpose will be achieved by keeping the petitioner behind the bars during entire period of trial especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

April 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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