

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

CRM-M No.49514 of 2023
Date of decision: 6th October, 2023

Gautam Mattu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep S. Rai, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.271 dated 28.11.2022 (Annexure P-1) under Sections 323, 307, 427, 451, 506, 148, 149 IPC registered at Police Station Haibowal, District Ludhiana.

2. Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the case in hand is evident from the fact that though it was alleged in the FIR that injured Arsh had been inflicted a sword blow on his hand, however, there was no medical evidence on record to corroborate the said allegations. Learned counsel further submits that identically placed accused i.e. Manjeet Singh had since been extended the concession of bail by this Court vide order dated 02.08.2023 (Annexure P-2). It has still further, been submitted that

investigation in the case in hand is complete and hence, in the circumstances, further incarceration of the petitioner would serve no useful purpose as charges are likely to be framed only on the next date of hearing fixed before the trial Court i.e. 12.10.2023. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from HC Kewal Krishan, has not been able to dispute that there was no medical evidence on record to corroborate the allegations levelled in the FIR in question with respect to the injuries inflicted by the petitioner on the hand of injured Arsh. It has also not been disputed that investigation in the case in hand is complete and as many as 13 witnesses have been cited by the prosecution.

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

5. The petitioner has now been in custody since 28.11.2022 and there is no likelihood of the trial concluding in the near future as none of the 13 witnesses cited by the prosecution have been examined till date. The injury attributed to the petitioner is on a non vital part of his body and, as already observed hereinabove, is not supported by any medical evidence. In the facts and circumstances as enumerated hereinabove and the nature of injury attributed to the petitioner, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is

allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

October 6, 2023

rps

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