

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

214

CRM-M-51901-2022
Decided on : April 27, 2023

SAHIL @ SAHIL SHARMA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vivek Thakur, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Varinder Singh, Advocate for the complainant.

NAMIT KUMAR, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.197 dated 28.08.2022, under Sections 323, 324, 506 of IPC (Section 326 IPC added lateron), registered at Police Station City Kapurthala, District Kapurthala.

Mr. Varinder Singh, Advocate puts in appearance on behalf of complainant and has filed Power of Attorney, which is taken on record.

As per the FIR, the complainant is dealing with the business of *bardana* in Vegetable Market and Harjot singh son of Harpal Singh resident of Mohabbat Nagar, Kapurthala is his friend. The complainant on 26.08.2022 at about 6.00 P.M. when was present at his shop, then Harjot Singh telephonically

informed him that Sahil son of unknown, resident of Mohabbat Nagar, Kapurthala

had damaged his scooter parked outside the house and complainant on his car immediately went to the house of Harjot Singh and from there he along with Harjot Singh went to the house of Sahil in order to enquire from him as to why he had damaged the scooter of Harjot Singh and spotted Sahil and one another boy there on scooter on the way at about 6:30 P.M. near the Masit Chowk, Kapurthala and Jhaj Ghar. Thereafter the complainant stopped his car and went to Sahil and asked him as to why he had broken the scooter of Harjot Singh, but the Sahil in the fit of rage took out dattar from the footrest of the scooter and gave blow of the same on the person of complainant but the complainant in order to ward of himself raised his left hand and the blow hit on finger of his left hand and the accused gave another blow of dattar and same hit on the thumb of his left hand, the accused gave third dattar blow on elbow of the left arm of the complainant and further gave fourth dattar blow on the head of complainant with intention to kill him. The said Harjot Singh and boy standing near the accused tried to escape the complainant but the accused did not stop from causing injuries on his person and hurled threatenings that he would kill the complainant, and in the meantime, the people also started gathering there and the applicant/accused along with dattar fled away from the spot on his scooter. The complainant then being injured telephonically called his father Suresh Kumar who got him admitted into the Civil Hospital, Kapurthala for treatment but the doctor due his head injury, after giving first aid, referred him for better management and the family of complainant got him admitted into Satyam Hospital, Jalandhar and the prayer was made for taking action against the accused. Thereafter the FIR was registered and the investigation was initiated with regard to the present case during the course of which, the statements of the witnesses were recorded, site plan of the place of occurrence was prepared, medical evidence was collected whereby the four injuries were

found on the person of complainant and injury no.1 on back side of head of the complainant was grievous in nature, the accused was also arrested on 21.09.2022, the offence under section 326 of IPC was added in the case vide DDR no.20 dated 13.09.2022.

Learned counsel for the petitioner *inter alia* submits that the matter has been compromised between the parties vide compromise deed dated 13.03.2023 (Annexure P-3). He submits that petitioner has been falsely implicated in the present case and is in custody since 21.09.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 14 prosecution witnesses none has been examined. No recovery is to be effected from the petitioner and the trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner and states that the petitioner is involved in one other case. However, he could not dispute that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 14 prosecution witnesses none has been examined yet .

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody period of the petitioner, which is more than 07 months; investigation is complete; challan has been presented; charges have been framed and out of 14 witnesses, not even a single prosecution witnesses has been examined; no recovery has been effected from the petitioner; trial is likely to take a considerable time and the *factum* that the matter has been compromised between the parties, however, without commenting upon the merits

of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

April 27, 2023

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(NAMIT KUMAR)
JUDGE

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