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

229

CRM-M-51873-2023

Date of decision : 18.10.2023

Danny Danesh Pal @ Denny**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.71 dated 08.03.2023, registered for offences under Sections 323, 341, 148 and 149 IPC (Sections 325 and 308 IPC added later on) at Police Station Tanda, District Hoshiarpur.

2. Counsel for the petitioner submits that allegation is that the petitioner parked his tractor in front of the motorcycle of the complainant and after alighting from the tractor gave iron rod blow to the left elbow of the complainant. He further submits that injury is on non-vital part. Petitioner is behind bars for more than 06 months and 01 day. Challan already stands present.

3. Counsel for the petitioner relies upon order dated 03.08.2023, wherein co-accused Sukhwinder Singh @ Vicky has been granted regular bail by this Court in **CRM-M-27357-2023** (Annexure P-5), observing as

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under:-

“The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 71 dated 08.03.2023 registered under Sections 323, 341, 148, 149 IPC and Sections 325 and 308 IPC added later on, at Police Station Tanda, District Hoshiarpur. The first bail petition was dismissed as withdrawn on 25.04.2023.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the injuries with iron rod attributed to the petitioner are on the right leg and another on the left ankle of the complainant, which are non-vital parts; that it is a case of version and cross-version and a cross case was registered on the complaint of the petitioner and three injuries had also been suffered by him in the said occurrence; that the present complainant is an accused in the said cross case; that the petitioner has been in custody since 18.03.2023; that there is no other pending or registered case against the petitioner and that the challan has been presented but the charges are yet to be framed.

Learned State counsel and learned counsel for the complainant, while vehemently opposing the prayer for bail, submit that the serious injury have been attributed to the petitioner and the injured-complainant remained hospitalized for 30 days and till date, he has not recovered fully and thus, the petitioner does not deserve the concession of bail.

Learned State counsel does not dispute the custody period of the petitioner and the fact that there is no other pending or registered case against the petitioner. The challan stands presented and charges are yet to be framed.

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I have heard the learned counsel for the parties.

The petitioner has been in custody since 18.03.2023 i.e. 04 months and 17 days. The injuries attributed to the petitioner are on the non-vital parts of the injured-complainant. The petitioner had also suffered injuries in the said occurrence, for which, as noticed above, a cross case stands registered. The charges are yet to be framed. Therefore, the conclusion of the trial would take a long time. Moreover, there is no other registered or pending case against the petitioner. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.”

4. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

18.10.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No