

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRM-M-56423-2023 (O&M)
Decided on :30.11.2023

Amritpal @ Vinay

...Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

HARSIMRAN SINGH SETHI , J. (Oral)

In the present petition, the prayer of the petitioner is for the grant of regular bail in respect of FIR No. 84 dated 11.04.2022 registered under Sections 323, 324, 34 of the Indian Penal Code, 1860 and Section 307 of the Indian Penal Code, 1860 was added later on at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner argues that the allegations which have been levelled against the petitioner are yet to be proved during the trial and further whether, the injury suffered by the victim/complainant will be covered under Section 307 of the Indian Penal Code, 1860, is yet to be proved during the trial hence, as the trial is likely to take some time

before it concludes and two material prosecution witnesses i.e. victim/complainant and eye witness i.e. son of the victim/complainant have already been examined, hence, the petitioner be extended the concession of regular bail.

Per contra, learned State counsel on instructions from ASI Karnail Singh, P.S. Batala, submits that the main allegations with regard to the injury suffered by the victim/complainant, due to which Section 307 of the Indian Penal Code, 1860 has been invoked is attributable to the petitioner and hence, the prayer of the petitioner for the grant of regular bail may kindly be declined. Learned State counsel further conceded the factum that two material prosecution witnesses i.e. victim/complainant and eye witness have already been examined and out of total 21 cited prosecution witnesses, 19 prosecution witnesses are yet to be examined.

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

Keeping in view the facts and circumstances of the present case that the material prosecution witnesses have already been examined and out of 21 cited prosecution witnesses only two have been examined so far, the trial is likely to take some time before it concludes coupled with the fact that whether the injury attributed to the petitioner is covered under Section 307 of the Indian Penal Code, 1860 is yet to be proved during the trial, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial hence, the petitioner has made out the case for the grant of regular bail especially when 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. 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.

(HARSIMRAN SINGH SETHI)
JUDGE

30.11.2023

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: Yes/~~No~~