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

CRM-M-60131-2022 (O&M)

Date of decision: 22.05.2023

Vikrant Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gaurav Partap S. Pathania, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab.

VIKAS BAHL, J. (ORAL)

1. This is the second petition filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in FIR No.74 dated 09.05.2022 registered under Sections 307, 324, 323, 148, 149 of the Indian Penal Code, 1860 at Police Station Division No.2, District Pathankot.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 07.06.2022 and there are 16 prosecution witnesses, out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that earlier bail application of the petitioner was dismissed as withdrawn on 14.11.2022 at that stage and even thereafter, no progress has been made in

the trial and thus, the petitioner is entitled to file the present second regular bail application. It is contended that the petitioner is not involved in any other case and the injured who was admitted in the Hospital on 09.05.2022 was discharged from the Hospital on 12.05.2022 and is now keeping good health. It is further contended that two injuries have been attributed to the present petitioner, one to Prince and one to the complainant namely Ishal Choudhary and one injury which has been inflicted to the complainant is simple in nature.

3. On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the injury attracting the offence under Section 307 of IPC has been attributed to the present petitioner, which has been inflicted by him on the head of Prince which was declared dangerous to life. It is further submitted that said Prince remained in Hospital for 6 days and was thereafter, discharged. However, other facts have not been disputed by learned State Counsel.

4. Keeping in view the abovesaid facts and circumstances more so the facts that the petitioner is in custody since 07.06.2022 and out of 16 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time and also the fact that the petitioner is not involved in any other case and the injured-Prince has been discharged from the Hospital and is now keeping good health, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial

Court/Duty Magistrate, subject to him not being required in any other case.

5. However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

6. Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

22.05.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No