

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

208

2023:PHHC:161781

CRM-M-60454-2023 (O&M)

Date of decision: December 16th, 2023

Chamkaur Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.90 dated 15.06.2022 under Sections 307, 324, 323, 341, 148, 149 of the Indian Penal Code, 1860 at Police Station Nathana, District Bathinda.

2. Learned counsel for the petitioner, *inter alia*, contends that it is a case of version and cross-version, wherein both the parties received injuries at the hands of each other. It has been further submitted that the petitioner has been in custody since 23.07.2022 and after the charges were framed on 18.10.2022, the trial has not been able to make much headway as only one prosecution witness out of the 28 has been examined. It has been further submitted that even otherwise, the only role attributed to the petitioner in the occurrence in question is of having inflicted simple injuries on the opposite party. It has further been submitted that co-accused Chamkaur Singh @ Kauri, who had allegedly inflicted an injury inviting the mischief of Section 307 of the IPC has since been extended the concession of bail by this Court vide

order dated 23.02.2023. In support, learned counsel has drawn the attention of this Court to Annexure P-2, which is the order granting bail to co-accused Chamkaur Singh @ Kauri. Learned counsel submits that in the aforementioned facts and circumstances, keeping in view the nature of injuries attributed to the petitioner and also the fact that he has no criminal antecedents, he be extended the concession of bail as the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner along with co-accused were armed with lethal weapons with which they attacked the complainant party, however, he has not been able to dispute the nature of injuries attributed to the petitioner, and the petitioner having clean criminal antecedents and furthermore, it being a case of version and cross-version, wherein accused party had also received injuries at the hands of the complainant.

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

5. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

December 16th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No