

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

259

2024:PHHC:005986

CRM-M-1332-2024

Date of decision: January 16, 2024

SHIVAM @ SHIBU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. A.P.S. Tung, Deputy Advocate General, Punjab
with ASI Balkar Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.129 dated 30.07.2023 (Annexure P-1) under Section 326, 325, 324, 323, 148, 149 of the Indian Penal Code, 1860, registered at Police Station City Fazilka, District Fazilka.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has not been attributed any specific injury on the person of the injured-complainant, much less an injury inviting the mischief of Section 326 IPC. It has been submitted that the injury inviting the mischief of Section 326 IPC has been attributed to the co-accused Inder, who inflicted a sword blow on the head of the injured. It has been further submitted that after the FIR was registered, the parties had effected an amicable settlement.

3. Mr. Madhup Munjal, Advocate has entered appearance on behalf of the complainant and has filed his Power of Attorney in the Court, which is taken on record.

4. Learned counsel for the complainant does not dispute the submissions made by the counsel opposite with respect to no injury, much less injury under Section 326 IPC being attributed to him. Learned counsel for the complainant also does not oppose the prayer made by the learned counsel for the petitioner for extending the concession of bail to the petitioner.

5. *Per contra*, learned State counsel while opposing the prayer, has not disputed that no specific role had been attributed to the petitioner, however, he on instructions, has submitted that the petitioner was part of the unlawful assembly which had inflicted injuries on the complainant. It has also not been controverted by the learned State counsel that co-accused Inder has been attributed a sword blow on the head of the injured, which was opined to be grievous in nature. It has also been submitted that the investigation in the case in hand is complete as challan already stands presented.

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

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. The petition as such is allowed, and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

January 16, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No