

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5979-2024
DECIDED ON: 09.02.2024

VISHAL ALIAS VISHAL KUMAR
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.P. Dhir, Advocate and
Ms. Simsi Dhir Malhotra, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.83, dated 14.03.2023, under Sections 323, 324, 452, 307 of IPC, 1860 registered at Police Station Sohana, District SAS Nagar Mohali.
2. Learned counsel for the petitioner contends that according to the *medico legal report* and the information attached at Annexure P-3 dated 09.03.2023, the alleged injury on the person of victim has been termed to be grievous in nature but not dangerous to life and, therefore, the offence under Section 307 of IPC is not made out qua the the petitioner. He further submits that there is a delay of 15 days in registration of the FIR and no eye witness has been nominated by the prosecution, wherein the investigation is complete and challan stands presented on 06.12.2023.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that the petitioner is guilty of causing an injury on the neck of victim, which could have been dangerous to life, though is declared grievous in nature, as per the *medico legal report*.

4. Heard, learned counsel for the respective parties.

5. Be that as it may, considering the fact that the petitioner has suffered incarceration of 8 months and 2 days, who is not involved in any other case of any nature whatsoever, meaning thereby he is a person of clean antecedents and especially in view of the fact that there is no eye witness in the list of witnesses produced by the prosecution at the time of filing of challan added with the fact that conclusion of trial will take long time, as charges are yet to be framed, no fruitful purpose would be served by keeping the petitioner behind bar for an indefinite period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is a rule and jail is an exception”.

6. In light of the above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. The present petition is hereby allowed.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

09.02.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>