

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6630-2024
Date of decision: 14.02.2024

Vishal @ Mani Jamba

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

Manjari Nehru Kaul, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.32 dated 24.04.2021, under Sections 307, 341, 323, 324, 148, 149, 506 IPC, registered at Police Station, Division No.4, District Jalandhar.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 19.03.2022 in a case of version and cross version, wherein admittedly, both the parties received injuries at the hands of each other. Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, has submitted that the petitioner has been attributed an injury with *datar* on the left forearm of Daljit Singh and the injury inviting

registration of Section 307 IPC has not been attributed to him, but the co-

accused namely Ankit Jamba, who has been granted the concession of bail vide order dated 25.01.2021. Learned counsel for the petitioner has submitted that in the occurrence in question, which took place in an open street, the petitioner's side had also sustained grievous injuries of their person. It has been further submitted that since both the material witnesses i.e. injured witnesses Daljit Singh and Ajay Kumar had been examined, further incarceration of the petitioner would serve no useful purpose as 18 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Baldev Raj, has not been able to controvert that in the occurrence in question, both the parties had received injuries at the hands of each other. It has also not been disputed that both the material witnesses, who allegedly received injuries in the occurrence, had since been examined. Learned State counsel has submitted that the petitioner has been previously involved in other criminal cases as well, however, admittedly, in some of the cases, he stands acquitted while there are other cases under the NDPS Act pending against him.

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

5. The petitioner has been in custody since 19.03.2022 in a case of version and cross-version. All the material witnesses stand examined and hence, there cannot be any apprehension of the petitioner tampering with the evidence or intimidating/influencing the witnesses during trial. There is no likelihood of the trial concluding in the near future. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to

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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

14.02.2024
Ajay Prasher

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No