

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7060-2024
Date of Decision: 10.4.2024

Chandan Singh
....Petitioner

VERSUS

State of Punjab
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amandeep Singh, Advocate, for the petitioner.
Mr. J.S.Dhaliwal, AAG, Punjab
Mr. S.P.S. Sandhu, Advocate, for the complainant (through VC)

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.63 dated 9.5.2023 registered for the offences punishable under Sections 326, 324, 323, 341, 148, 149 IPC at Police Station Sarabha Nagar, District Ludhiana.

2. The allegations in nutshell are that the petitioner along with his accomplice attacked Suresh Singh and at that time, the petitioner caused grievous injury on the right leg of the complainant with the help of sharp edged weapon. During investigation of the case, the petitioner was arrested by the police and is presently lodged in judicial custody.

3. Counsel for the petitioner submits that initially, FIR was registered under Sections 323, 341, 148, 149 IPC and after registration of the FIR, the petitioner was granted police bail and subsequently, offence under Sections 326, 324 IPC were added and the petitioner was arrested and

is incarcerated for the last more than 3 months. It is further submitted that the police has presented the challan and charges are framed but it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel as well as counsel for the complainant, both of whom, have submitted that the injury attributed to the petitioner is covered under Section 326 IPC and that at this stage, when the trial is at its initial stage, no ground is made out to enlarge the petitioner on bail.

5. I have considered the submissions made by the counsel for the parties.

6. All the offences are triable by the Court of Judicial Magistrate, 1st Class and further, after completion of investigation, the police has presented the challan but it will take considerable time for the trial to terminate. The injury attributed to the petitioner though *prima facie* covered under Section 326 IPC but the same was caused on non-vital part of the body of the complainant. In the given circumstances, no purpose will be served by prolonging the judicial custody of the petitioner.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

April 10, 2024
Paritosh Kumar