



105+215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-31053-2024 in/and
CRM-M-33823-2024
Date of Decision: 29.08.2024

Abhay Kumar ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sachin Ohri, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

CRM-31053-2024

1. The petitioner has filed the present application under Section 482 of Cr.P.C. with a prayer for addition of Section 326 of IPC in FIR No.35 dated 29.03.2024 under Sections 307, 323, 324, 34 of IPC (Section 326 of IPC added later on) at Police Station Sujampur, Pathankot, District Pathankot.

2. For the reasons mentioned in the application, the same is allowed. Amended prayer clause and headnote are taken on record.

CRM-M-33823-2024

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.35 dated 29.03.2024 registered under Sections 307, 323, 324, 34 of IPC (Section 326 of IPC added later on, while presentation of challan), at Police Station Sujampur, Pathankot, District Pathankot.



2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, the petitioner has been attributed an injury with datar on the right hand and the back of the injured/complainant, namely Prince Sidhu. Learned counsel further contends that the injured has already been discharged from the hospital and is hale and hearty. The petitioner was arrested in the present case on 30.03.2024 and after completion of the investigation, challan has already been presented against him. He further contends that the weapon of offence has already been recovered from him. Learned counsel further contends that no witness has been examined so far and the conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner has been attributed specific injuries by the complainant. However, he admits that the injury, which attracted the offence under Section 307 IPC, is not attributed to the petitioner. He further contends that another FIR No.20 dated 13.03.2024 under Sections 452, 427, 506, 148 and 149 of IPC, Police Station Sujanpur, District Pathankot was also ordered to be registered against the petitioner. However, the petitioner has compromised the matter with the complainant in that case.

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

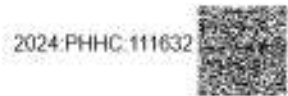
5. The petitioner is in custody for almost 05 months in the present case and the final report under Section 173 Cr.P.C. has already been presented against the petitioner. Even though, there are specific allegations against the



petitioner, however, the petitioner cannot be confined in custody as an under trial for an indefinite period.

6. Consequently, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.



7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

29.08.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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