

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107+224

CRM-M-46004-2023 (O&M)

Date of decision: 07.02.2024

Davinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-44493-2023

For the reasons mentioned in the application, the same is allowed and copies of MLR and charge sheet are taken on record as Annexures P-3 and P-4 respectively subject to all just exceptions.

CRM-M-46004-2023

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.227 dated 25.11.2022 under Sections 324, 294, 506 of the IPC (Section 307 of the IPC added lateron) registered at Police Station Dakha, District Ludhiana Rural.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 04.04.2023, has been falsely implicated in the case in hand by the complainant, who while lodging the FIR in question, had given a fabricated and embroidered version of the occurrence which allegedly took place on 20.11.2022.

Learned counsel has submitted that the FIR in question was lodged

after an explained and abnormal delay of five days which lent credence to an exaggerated version having been brought forth against him. Learned counsel has still further submitted that even assuming for the sake of arguments, though not conceded, that the alleged occurrence had indeed taken place, it was evident that it was not a premediated attack but it was at the spur of the moment on account of some quarrel the occurrence in question took place. Further, two injuries had been sustained by the injured out of which only one was opined to be grievous in nature attracting the mischief of Section 307 of the IPC. Learned counsel has further submitted that since the material witness i.e. the complainant already stands examined and seven witnesses still remain to be examined, there is no likelihood of the trial concluding in the near future. Hence, in the facts and circumstances, his further incarceration would serve no useful purpose as there could be no possibility of the petitioner influencing the material witnesses or even trying to tamper with the evidence.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed that all the material witnesses including the injured complainant have been examined. It has also not been disputed by the learned State counsel that the alleged occurrence took place at the spur of the moment, however, it has been submitted that the petitioner had inflicted two blows on the person of the injured out of which as already observed earlier, one was on a vital part of his body i.e. his neck.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions,

has replied in the negative and has further submitted that the next date fixed before the Trial Court is 09.02.2024 when some more witnesses are likely to be examined.

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

6. The petitioner has been in custody since 04.04.2023. All the material witnesses including the injured complainant stand examined. The petitioner is not stated to be involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, since the trial would take considerable time to conclude, this Court deems it fit to enlarge the petitioner on bail.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

07.02.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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