

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

218

2024:PHHC:039385

CRM-M-49461-2023

Date of decision: March 19th, 2024

Brijesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ravi Rana, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.144 dated 13.08.2021 under Sections 323 324 34 of the IPC (Sections 307, 382, 511 of the IPC added later on) registered at Police Station Lalru, District Mohali.

2. Learned counsel for the petitioner, *inter alia*, contends that the FIR in question was registered against unknown persons on the allegations that when the complainant stopped his motorcycle, the unknown persons after running towards him, inflicted a blow on the left side of his stomach with some weapon. While drawing the attention of this Court to the FIR, which has been reproduced in the body of the petition, it has been submitted that neither was the petitioner named therein nor any description given of the alleged assailants; furthermore, the injury allegedly attributed to the petitioner, who was arrested on 02.09.2021, was declared to be simple in nature. Learned counsel has submitted that even the charges were framed way back on 08.04.2022,

till date only one witness cited by the prosecution had been partly examined and hence, there was no likelihood of the trial concluding in the near future as 13 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the stage of the trial. However, he submits that the petitioner was arrested in another case soon after the occurrence in question; during his interrogation in that case, he revealed his involvement in the instant case leading to his arrest. Learned State counsel has further submitted that a test identification parade was also carried out, wherein he was duly identified by the complainant.

4. On a pointed query put to the learned State counsel qua the nature of the injury attributed to the petitioner, he on instructions from ASI Jagtar Singh, has submitted that it was opined to be a simple injury. Learned State counsel has, however, submitted that the next date fixed before the trial Court is 21.03.2024 when the evidence of the complainant is likely to be concluded.

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

6. The petitioner has been in custody for more than 2½ years having been arrested on 02.09.2021 for having allegedly inflicted a simple injury with a knife on the abdomen of the complainant. On account of an application moved under Section 311 of the Cr.P.C., proceedings before the trial Court have been halted. Till the application is not decided, further examination of the complainant would not be possible.

7. Be that as it may, in view of the role attributed to the petitioner, this Court deems it fit to enlarge the petitioner on bail. Accordingly, the instant petition is allowed. The petitioner be admitted to bail 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.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

March 19th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No