



CRM-M-48362-2024

-1-

**237 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-48362-2024
Decided on : 06.11.2024

Ashu Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Ms. Kiranjeet Kaur, Advocate
for the petitioner through VC.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.129 dated 30.07.2023 under Sections 324, 323, 148 and 149 IPC (Sections 326 and 325 IPC added later on vide DDR No.49 dated 18.08.2023) registered at Police Station City District Fazilka.

2. Learned counsel for the petitioner *inter alia* contends that it is a case of version and cross-version wherein both the sides received injuries at the hands of each other. It has been submitted that even as per the case of prosecution, no specific injury or role has been attributed to the petitioner in the crime in question, much less injury inviting the mischief of Section 326 IPC. It has been further submitted that the injury sustained by the complainant with the sword, which has been declared grievous in nature, has been



attributed to the co-accused Inder Kumar. On a further query put to the learned counsel, he submits that the investigation is complete as challan stands presented, however, charges have not yet been framed and are likely to be framed on 11.11.2024, which is the next date of hearing fixed before the trial Court. It has also been submitted that identically placed co-accused Shivam @ Shibu has already been extended the concession of bail by this Court vide order dated 16.01.2024 (Annexure P-3).

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the factual aspect of the role attributed to the petitioner in the crime in question. However, learned State counsel has contended that the petitioner was part of unlawful assembly, which attacked the complainant. The stage of the trial has also not been disputed by the learned State counsel.

4. On a pointed query put to the learned State counsel, it has not been disputed that the case of the petitioner is at par with co-accused Shivam @ Shibu, who has been extended the concession of bail by this Court vide order Annexure P-3.

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

6. The petitioner has been in custody since 06.06.2024; investigation in the case in hand is complete as challan stands presented. As not disputed by the learned State counsel, no specific



CRM-M-48362-2024

-3-

injury has been attributed to the petitioner other than his presence being shown along with the co-accused, who allegedly inflicted sword blow on the head of the complainant. The trial would take considerable time to conclude as charges have not yet been framed, more so, 19 witnesses have been cited by the prosecution.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. 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.

8. 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.

06.11.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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