

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

204

2024:PHHC:039831

CRM-M-57193-2023

Date of decision: March 20th, 2024

Onkar @ Kuldip @ Golu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nikhil Kumar Vashisht, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.11 dated 13.02.2022 under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860 (Sections 325 and 326 of the IPC added later on) registered at Police Station Satnampura, District Kapurthala.

2. Learned counsel for the petitioner has reiterated the submissions, which were made on the last date of hearing that the complainant had not been appearing before the trial Court and even on 14.03.2024, the complainant failed to appear before the trial Court to get his evidence recorded.

3. Learned State counsel, on instructions from ASI Sarabjeet Singh, has not disputed the submissions made by the counsel opposite.

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

5. It is a case of version and cross-version, wherein injuries were received by both the parties at the hands of each other. The petitioner allegedly inflicted a datar blow on the forehead and right hand of the injured-complainant. Admittedly, the petitioner is involved in some other criminal cases as well, however, since the trial has not been able to make any headway on account of the non-appearance of the prosecution witnesses including the injured-complainant, despite issuance of non-bailable warrants to secure their presence, further incarceration of the petitioner would serve no useful purpose.

6. In the facts and circumstances as enumerated hereinabove, 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.

7. 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 20th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No