



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

249

CRM-M-59469-2024

Date of decision: 03.12.2024

Chandan Oberoi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.59 dated 28.03.2024 under Sections 323, 324, 458, 341, 307, 506, 148, 149 (120-B, 379-B, 326 added lateron) of the Indian Penal Code, 1860 registered at Police Station Rupnagar City, District Rupnagar.

2. Learned counsel for the petitioner submits that although the petitioner has been attributed an injury with a *kirch* on the head of the injured, however, there is no medical corroboration to any of the eight injuries having been sustained by the injured to be dangerous to life. In support, learned counsel has drawn the attention of this Court to Annexure P-3, which is the MLR of injured Rohit Sharma and Amit Sharma. It has been further argued by the learned counsel that after the challan was presented on 15.06.2024, charges were framed on



CRM-M-59469-2024

07.08.2024, however, it is a matter of record that the learned Trial Court had repeatedly adjourned the case on as many as ten dates thereafter as the injured/complainant had failed to appear to get his evidence recorded despite issuance ofailable warrants, non-ailable warrants, as well as a proclamation under Section 82 of the Cr.P.C. Learned counsel submits that in the aforementioned facts and circumstances, the petitioner cannot be made to languish in custody for no fault of his and, therefore, he deserves to be extended the concession of bail as the trial would take considerable time to conclude as none of the 23 prosecution witnesses have been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Subhash Chander, has not disputed the custody period of the petitioner and also the status of the trial. On further instructions, learned State counsel has not disputed that both the material witnesses i.e. Amit Sharma and Rohit Sharma having repeatedly absented themselves on as many as ten dates before the learned Trial Court despite the issuance ofailable and non-ailable warrants; learned State counsel, on instructions, has also not controverted the submissions made by the learned counsel for the petitioner that proclamation under Section 82 of the Cr.P.C. has been issued against both the injured witnesses, Amit Sharma and Rohit Sharma. However, learned State counsel has reiterated the allegations levelled in the FIR in question and submitted that the petitioner was armed with a *kirch* with which he inflicted a blow on the head of injured Amit Sharma. On further query, learned

**CRM-M-59469-2024**

State counsel has not disputed the submissions made by the learned counsel for the petitioner that none of the injures allegedly sustained by the complainant and the injured witnesses had been opined to be dangerous to life.

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

5. As not disputed, both the material witnesses, including the injured witnesses, have been continuously absenting themselves before the learned Trial Court and proclamation under Section 82 of the Cr.P.c. has also been issued against them. The trial is, therefore, unlikely to conclude in the near future, moreso when as many as 23 witnesses have been cited by the prosecution. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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.

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

03.12.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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