



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

235

CRM-M-5766-2025

Date of decision: July 8th, 2025

Ajay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

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

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in in FIR No.102 dated 10.05.2022 under Sections 323, 324, 341, 148, 149, 326 of the IPC, registered at Police Station Tanda, District Hoshiarpur.

2. It has been submitted by the counsel appearing for the petitioner that in a case of version and cross-version, petitioner has been in custody since 20.10.2024. The petitioner, as per the learned counsel, has been attributed head injury and an injury on the wrist of the complainant with a *kirpan*, which in turn was opined to be a sharp grievous injury. It has also been submitted by the counsel that in the occurrence in question, both the sides suffered injuries at the hands of each other and furthermore, the occurrence in question evidently happened at the spur of the movement in an open street. It has also been brought to the notice of this Court that identically placed co-accused has

since been extended the concession of bail by this Court vide order dated 22.01.2025 (Annexure P-5).

3. On a pointed query, it has been submitted that the most material witness i.e. the complainant, who allegedly sustained injuries at the hands of the petitioner, stands examined and hence, there can be no apprehension of the petitioner tampering with evidence or misusing the concession of bail by intimidating the remaining witnesses.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed, on instructions from S.I. Palwinderjit Pal Singh, that it is a case of version and cross-version, which took place in an open street. On further instructions, it has not been disputed that some of the identically placed co-accused have already been released on bail.

5. On further query, learned State counsel, on instructions, has also not disputed that the most material witness in the present case i.e. the complainant, who was inflicted injury by the petitioner, stands examined.

6. Learned State counsel submits that the complainant had supported the case of the prosecution while deposing before the trial Court.

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

8. As many as 14 prosecution witnesses have been cited out of whom only two stand examined including the complainant. The trial is, therefore, unlikely to conclude in the near future.

9. 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.

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

July 8th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No