

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-24657-2024 (O&M)
Date of Decision:- 05.03.2025

KARNAIL CHAND

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Varun Sharma, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
197	27.11.2022	323, 324, 326, 307, 506 and 34 IPC	Adampur District Jalandhar Rural

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He has attacked the genuineness of the prosecution version on the ground that there is an unexplained delay of 10 days in lodging of the FIR. He contends that the petitioner was not present at the spot and has not participated in the alleged occurrence and the version has been created by the complainant to



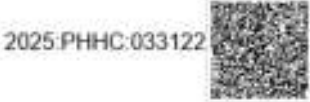
implicate the petitioner in the present case. He submits that the petitioner is in custody since 06.03.2023 and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has assailed these arguments and submitted that the petitioner has actively participated in the occurrence and is attributed to have given injury on the head of the complainant with a spade resulting in fracture of the right parietal bone in the head, a vital part of the body. He submits that the petitioner is not entitled to the concession of bail considering the nature and gravity of offence, thus, prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the allegations that the complainant, running a bike repair shop, was having a dispute with the petitioner and due to this, he sold his shop and started his repair work at some distance. On 17.11.2022 at about 06:20 PM, while the complainant was going to his house, the petitioner along with his sons Gurdeep Chand and Vipin Kumar came there armed with a spade and on the *lalkara* being raised by co-accused Gurdeep Chand, the petitioner gave spade blow on the head of the complainant with intent to commit his murder. The complainant fell down and co-accused Vipin Kumar gave kick blows in the abdomen of the complainant. On raising hue and cry, the assailants ran away from the spot and the complainant was shifted to the hospital.

6. After the completion of investigation, challan was presented in



Court and the trial is going on. The perusal of the record would reveal that there are specific attribution to the petitioner of having given spade blow, hitting the head of the complainant, resulting in fracture in the parietal bone. The petitioner is specifically alleged to have caused grievous injury on the head of the complainant with the help of spade with intent to commit his murder.

6. Therefore, in these circumstances, considering the serious nature and gravity of offence involved, and also the fact that the injury attributed to the petitioner with a spade on the head of the complainant resulting in fracture of his parietal bone, a vital part of the body with intent to kill him, does not entitle him for the concession of bail at this stage. Accordingly, the present petition is dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

05.03.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No