

206

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

**CRM-M No.19833 of 2015
Date of decision: 18.06.2015**

Ravi Gupta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Mikhail Kad, AAG, Punjab.

RAMENDRA JAIN J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR NO.175 dated 25.10.2014, under Section 302 read with Section 34 IPC, at Police Station Canal Colony, Bathinda, District Bathinda.

Brief facts of the case are that on 24.10.2014, complainant-Baldev Kumar along with his son Veerpal had gone to the Temple situated in Gali No.10-G, Paras Ram Nagar, Bathinda, to pay obeisance. The street lights were on. The petitioner armed with an iron rod, his accomplices, namely, Miski @ Ravi Jindal and Kala armed with handle of hand pump and Sushil Kumar @ Tota were standing in the

street. Miski @ Ravi Jindal raised lalkara that Veerpal should not go scot free, whereupon all of them caught hold of his son and gave him invisible beatings. The complainant raised alarm, which attracted Baljinder Singh @ Amna and on seeing him the aforesaid persons fled away from the spot.

During investigation the father of the petitioner moved an application before the Superintendent of Police that his son i.e. the petitioner, at the relevant time was not present at the spot. Whereupon, an enquiry was conducted by the Superintendent of Police, Bathinda, who vide his report dated 11.03.2015, declared the petitioner as innocent with the specific observation that he was not present at the spot on the date of incident. The SHO of the concerned Police Station by agreeing with the said report of the Superintendent of Police, Bathinda, filed a supplementary challan under Section 173(8) Cr.P.C. declaring the petitioner as innocent. Thereafter, the petitioner moved his bail application before the trial Court which was rejected vide order dated 29.05.2015.

Aggrieved with the aforesaid order, the petitioner has approached this Court.

Learned counsel for the petitioner contends that the impugned order of trial Court suffers from various illegalities and infirmities. The learned trial Court has rejected the bail application of the petitioner without application of

mind simply, because it has already taken the cognizance of the offence. The whole approach of the learned trial Court is illegal.

Learned counsel for the State has opposed the bail application.

In view of the totality of the facts and circumstances of the case, I find it a fit case to grant the bail to the petitioner-Ravi Gupta, because by filing supplementary challan under Section 173(8) Cr.P.C., he has been declared innocent by the Police. He is in custody since 25.10.2014. Nothing has to be recovered from him. Ocular version of the prosecution is contrary to the medical evidence. The petition is allowed and the petitioner, Ravi Gupta, is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bathinda.

However, nothing contained in this order shall have any bearings on the merits of the case.

18.06.2015*yakub***(RAMENDRA JAIN)****JUDGE**