

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 214

CRM-M-3718-2017

Decided on : 09.02.2017

Rinku @ Mithun Chutala

..... Petitioner(s)

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Bharat Julka, Advocate, and
Mr. S. P. Gill, Advocate, for the petitioner(s).

Mr. Neeraj Yadav, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 439 Cr. P. C., the petitioner seeks the concession of regular bail in FIR No. 78, dated 29.12.2015, registered under Sections 323, 324, 506, 148 and 149 IPC (Section 326 IPC added later on), at Police Station Moti Nagar, District Ludhiana.

Seeking regular bail for the petitioner, learned counsel for the petitioner submits that as per the FIR which was recorded at the behest of the injured, the injuries attributed to the petitioner are on the head, which are simple in nature; there is no other criminal case against the petitioner; the charges have been framed and therefore the petitioner is no longer required for investigation purposes and that nothing is to be recovered from him. He further submits that the case of the prosecution is that the petitioner has inflicted a grievous injury upon the complainant has come only in the statement of the eye witness-Veeru which is in variance with the version of the complainant himself as given by him in the FIR. It is still further

submitted that there is a delay of two days in lodging of the FIR and, therefore, false implication of the petitioner cannot be ruled out.

Learned State counsel submits that as per the statement given by the eye witness-Veeru it is the petitioner who had inflicted the grievous blow to the injured and, therefore, due to the seriousness of the offence, he should not be admitted to regular bail.

As to which injury has been caused by the petitioner, would be deciphered only during the trial as there is variance between the version of the injured and the eye witness. The petitioner is no longer needed for any investigation purposes and since the trial is yet to commence it is not likely to conclude in the near future. Also that there is no other criminal case pending against the petitioner and that he is in custody since 15.11.2016.

In view of the above, no useful purpose would be served by keeping the petitioner in jail.

Bail to the satisfaction of the trial court.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

09.02.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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