

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

CRM-M No. 37600 of 2017

DATE OF DECISION :- December 14, 2017

Manoj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Ashok Giri, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate Punjab.

This petition for regular bail has been filed by petitioner Manoj Kumar, an accused in F.I.R. No. 138 dated 20.07.2017 for offences under Sections 307, 323, 324, 148, 149 of the Indian Penal Code registered with Police Station Maqsudan, Jalandhar.

Briefly stated the facts of the case as per the prosecution story are that on 19.07.2017 one Rohit had gone to shop of Vajul Hussain Mulla to buy biris cigarettes, where they have a minor altercation. Rohit returned home and went to roof of the shop lying there. At about 11 P.M., Vajul Hussain Mulla accompanied by Sonu, Manoj (present petitioner) and 2-3 unknown persons trespassed to the roof of the shop. Complainant and Rohit woke up. Mulla gave a knife blow to the complainant hitting him on left side of abdomen. He gave two blows of knife to the complainant hitting him on biceps of left arm and left side of chest. While complainant was

bleeding, Rohit and Ram Krishan @ Baba tried to save complainant from the assailants. Sonu, who was carrying a sharp object attacked Ram Krishan @ Baba, who raised his right hand to save himself and blow of chisel hit his right wrist. Manoj gave two knife blows to Rohit hitting him on the back of the left side. Unknown persons gave a stick blow to Rohit hitting him on left elbow. When the other persons woke up, the assailants ran away from the spot along with their respective weapons.

The injured were moved to the hospital. Statements of accused were recorded and the matter was investigated.

After completion of investigation, challan against the accused was filed and they are facing trial in the Court of learned Additional Sessions Judge, Jalandhar.

Accused Manoj had filed an application for grant of regular bail in the Court of Sessions but the same was dismissed by Additional Sessions Judge, Jalandhar vide order dated 23.08.2017, as such he has approached this Court for grant of similar relief, which is being opposed by the learned State counsel.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

Learned counsel for the petitioner has submitted that injuries attributed to the petitioner are simple in nature and are on non vital part of the body.

Though State counsel has opposed the request but he concedes this fact that injuries attributed to the present petitioner are simple in nature.

The petitioner is in custody since 20.07.2017. The conclusion

of the trial is likely to take some time.

Under these circumstances, without going into the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Jalandhar subject to the following conditions : -

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

December 14, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No