

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

201

CRM No. M-43091 of 2018 (O&M)

Kuldeep Bansal

.....Petitioner.

Vs.

State of Punjab

.....Respondent.

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

Mr. T.P.S. Chawla, DAG, Punjab.

TEJINDER SINGH DHINDSA, J(ORAL)

This is the 3rd petition preferred under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No. 21 dated 25.02.2017 registered under Sections 326, 148, 149 IPC and offence u/s 307 IPC was added later on registered at Police Station Model Town, District Hoshiarpur.

Counsel for the parties have been heard.

Briefly, it may be noticed that FIR came to be registered on the statement of Bhupinder Singh in relation to an occurrence dated 25.02.2017.

As per prosecution version alleged occurrence is stated to have been captured in a CCTV camera. Learned State counsel on instructions would submit that the complainant had produced the CD of the occurrence before the IO and who after playing of the CD had made the following report:-

“In the CD and the photographs, one person is seen sitting on the motorcycle wearing light blue dress and he is Harpreet Singh @ Happy. The person wearing black shirt is Kuldip Bansal @ Vicky, who is armed with kirpan. The person wearing red shirt is Harwinder Singh @ Sonu, who is armed with kirpan and the person wearing white shirt is

Baljit Singh @ Jyoti, who is also armed with kirpan. On watching the CD, the persons namely Harwinder Singh @ Sonu and Baljit Singh @ Jyoti along with Kuldip Bansal started giving kirpan blows, the moment the complainant came out of the shop and he immediately took his scooter towards the shop and in the meantime, Harwinder Singh @ Sonu and Baljit Singh @ Jyoti gave kirpan blows hitting him on his left side, while kuldip Bansal gave blows towards his right side and the kirpan blows given by Kuldip Bansal hit the right hand of the complainant and thereby amputating his right thumb. Thus, kuldip Bansal his responsible for the amputation of the right thumb of the complainant."

As per report reproduced hereinabove, the present petitioner is alleged to be armed with a kirpan and having inflicted the kirpan blow on the right hand of the injured Bhupinder Singh and which has resulted into the amputation of the right thumb.

As per report of IO, other co-accused namely Harwinder Singh @ Sonu and Baljit Singh @ Jyoti had also inflicted kirpan blows upon the injured which had hit on the left side.

Strangely, the MLR placed on record of injured Bhupinder Singh reflects only one injury i.e. amputation of right thumb.

Petitioner was arrested on 13.04.2017.

Investigation in the case having been completed, challan was presented and even charges have been framed.

Trial has not gathered pace inasmuch as learned State counsel informs the Court that out of 23 prosecution witnesses cited only one has been examined till date.

Keeping in view the length of incarceration suffered by the petitioner and the discrepancy noticed hereinabove as regards the report of

the IO based upon the CCTV footage as opposed to the MLR of injured-
Bhupinder Singh reflecting a solitary injury, petitioner is held entitled to the
benefit of bail.

Petitioner be enlarged on bail subject to the satisfaction of the trial
Court/Duty Magistrate concerned.

It is, however, clarified that the observations made in this order
are only confined to examining the prayer of the petitioner for grant of bail and
would have no bearing on the merit of the case.

Disposed of.

22.10.2018

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**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No