

CRM-M-7440-2019 (O&M)

Date of decision:25.02.2019

Surinder Kumar @ Khanna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Neeraj Jain, Advocate
for the petitioner.

Mr. Tanvir Josh, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.134 dated 21.06.2018 under Sections 323, 148, 149, 341 of IPC and Sections 307, 120-B added later on, registered at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. The name of the petitioner is not mentioned in the FIR. It is further submitted that the petitioner has never been known by the named Khanna. Otherwise also, there is delay of 3 days in lodging the FIR. This time has been utilized by the complainant to falsely involve the petitioner in this case. Although, the allegation against the petitioner is that he caused injuries on the head of the complainant; with *kirpan*, however, the police has not been able to recover any *kirpan* from the petitioner. Otherwise also, the very fact that the complainant got treatment in private hospital; instead of government hospital, shows his intention to create the record. It is further contended that the injuries attributed to the petitioner are not declared dangerous to life. The petitioner is in custody

since 03.10.2018 and there is no other case against him. Challan has already been filed. The trial shall take long time.

On the other hand, learned State counsel submits that the petitioner was part of a group which caused as many as 18 injuries to the complainant. However, it is not denied that nothing has been recovered from the petitioner. It is also not disputed that there is no other case against the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

25.02.2019

Hemlata

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No