

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-52550-2018 (O&M)

Date of Decision:- 23.1.2019

Manoj Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh Bhatia, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of FIR No.54, dated 9.6.2018, registered at Police Station Kamboj, District Amritsar, under Sections 307, 326, 324, 325, 323, 148 and 149 IPC.
- 2 It is the case of prosecution that on 24.5.2018 Ajit Kumar, Manoj Kumar, Raj Kumar, Vijay Kumar, Raj Kumari, Chanchal Singh, Gurbaz Singh and Shabegh Singh, Balkar Singh had attacked Major Singh and Rajkiranjit Singh with deadly weapons including 'kirch', 'kirpan', 'datar' etc. Petitioner Manoj Kumar is alleged to be armed

with a 'kirch' and is stated to have given a blow on the right side of chest of complainant-Major Singh. As per the MLR (Medico Legal Reports) annexed with the petition, which have not been disputed by the learned State counsel, while Major Singh sustained as many as 7 injuries, Rajkiranjit Singh sustained as many as 4 injuries. One of the injuries on the person of Rajkiranjit Singh has been declared to be dangerous to life.

3. Learned counsel for the petitioner has submitted that the genesis of occurrence has been suppressed inasmuch as two persons from accused side have also sustained injuries. Learned counsel in this context has drawn the attention of this Court to the MLR (Annexure P-8) in respect of co-accused Raj Kumar, which shows that he had sustained as many as 7 injuries. Attention has also been drawn to MLR (Annexure P-9) of co-accused Vijay Kumar, which shows that he had sustained one injury. The injury sustained by Vijay Kumar was declared 'grievous injury' as per opinion of the doctor (Annexure P-10).
4. In view of the aforestated position wherein two persons from the accused party had also sustained injuries, it would certainly be debatable as to who is the aggressor. The petitioner has been behind bars since the last about 2 months. As per information furnished by learned State counsel, although the challan has been presented but not even a single PW has been examined so far. Further detention of petitioner, in these circumstances will not serve any fruitful purpose. The petition, as such, is accepted and petitioner-Manoj Kumar is

ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

5. This petition stands accepted accordingly.

January 23, 2019
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(GURVINDER SINGH GILL)
JUDGE

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