

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

CRM-M-29361-2019

Date of Decision:18.07.2019

Baljinder Kumar alias Kali

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE MANOJ BAJAJ

Present : Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Hitten Nehra, Addl. A.G. Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.251 dated 17.12.2018 registered under Sections 323, 307, 365, 506, 148, 149 IPC at Police Station Daba, District Ludhiana.

As per version of the prosecution in the FIR, which was recorded on the statement of Dalip Kumar, who was forcibly taken in a vehicle by accused, namely, Bhupinder Singh @ Rinku, Baljinder Kumar @ Kali (Petitioner) and Arjun Kumar to the house of Sunil Kumar, where Parminder Kaur @ Naano was also present. According to the allegations, the victim was given beatings, however, as per allegations in the FIR, petitioner Baljinder Kumar @ Kali is attributed the injury on the complainant with a *Daah* on his right arm.

Learned counsel for the petitioner contends that a false case has been foisted upon the petitioner. There is no direct evidence to connect the petitioner with the alleged offence. It is further contended that there is 4 days delay in lodging the FIR which has not been explained. Even if the FIR

in question is taken to be true, even then only 'Daat' blow has been given on the right arm of the complainant by the petitioner. It is further contended that injuries on the person of the complainant are stated to be simple in nature except one injury. He further submits that co-accused of the petitioner namely Bhupinder Singh @ Rinku has been granted the concession of regular bail by this Court in CRM-M-22252-2019 vide order dated 23.5.2019.

On the other hand, learned State counsel on instructions from H.C. Naveen Kumar, Police Station Daba has opposed the bail application. However, it is not disputed that the petitioner has given a 'Daat' blow on the right arm of the complainant and as per the medical report injuries are simple in nature except one injury. It is also not disputed that co-accused of the petitioner have been enlarged on bail by this Court.

Considering the above background and the fact that trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The present petition is allowed accordingly.

18.07.2019

rajeev

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No