

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

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CRM-M-36913-2019 O & M)
Date of Decision:24.09.2019

Ajay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishabh Gupta, Advocate for the petitioner.

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

Mr. Gurmeet Singh, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.201 dated 25.12.2017, under Sections 323, 452, 308 and 427 IPC, 1860, registered at Police Station Sadar, Hoshiarpur. Petitioner is in custody since his arrest on 06.07.2019.

The FIR was registered on the statement of Gulshan Kumar wherein it was alleged that on 29.11.2017, he went to a shop in the village to buy peanuts, where Ajay called him from behind and when the complainant turned around then unknown person kept a cloth on his mouth. The unknown person who was with Ajay and along with 5-6 other persons took him in front of his house and gave him beatings and then took him inside where unknown persons were not present. Later on Ajay made a call to the brother of the complainant and asked him to take Gulshan Kumar, who took him from his house. According to the complainant, his brother

Harpreet had gone to attend a marriage and after half an hour, somebody knocked at the door and when the complainant opened the gate, then Kallu son of Malkiat Singh attacked on his chest with a stick. Ajay Kumar son of Raj Kumar hit him with 'khanda' and Gill R/o Bassi Hast Khan, Manu @ Valatiya r/o Manan, Vijay r/o Mahilawali hit complainant with baseball bat on legs and kicked him. According to the complainant, when neighbours arrived, the assailants ran away with their respective weapons and they damaged the household articles as well. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the FIR was registered in the year 2017 and the police proceedings itself recorded that the case was found to be doubtful and suspicious. However, the investigation was to be further carried. He submits that the petitioner was arrested only in July 2019 and before that neither he was arrested nor associated in the investigation. According to him, further custody of the petitioner may not be required.

On the other hand, learned State counsel assisted by ASI Jasvir Singh has opposed the bail application. However, it is not disputed that the petitioner has been arrested recently on 06.07.2019, whereas the FIR was registered in the year 2017. He submits that the petitioner is in judicial custody and investigation qua him is almost complete, however, co-accused of the petitioner are yet to be arrested.

Considering the above background and the fact that the 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 petition is allowed.

24.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No