

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

**CRM-M No. 49352 of 2019
Date of Decision:-28.11.2019**

Rishab Benipal @ Nanu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Rakesh Gupta, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

Petitioner-Rishab Benipal @ Nanu has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 47 dated 02.3.2019, under Sections 325, 326, 341, 307, 148, 149 and 120-B IPC, registered at Police Station Division No.6, District Ludhiana. The petitioner is in custody since 06.6.2019.

The FIR was registered on the statement of Sushil Kumar Goel, wherein it was alleged that he used to work as Clerk (Munshi) with Advocate Kulwinder Singh, Bar Room No.1002 in the Courts. On 02.3.2019, when he alongwith his friend Ishwar Singh, on his Activa

scooter reached at the office of ADCP-2, Sherpur with regard to a complaint moved by him, there, the opposite party Gaurav and Deepak Kumar were also present. After attending the office for some time, when they both were returning and reached at some distance ahead from Dada Motor, then six persons on three motor-cycles encircled them, who were armed with Kirpan, Datar, Baseball bat and other sharp edged weapons, gave beatings to the complainant. On raising noise, when the people started gathering there, the accused persons fled away with their respective weapons.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has not been named in the FIR. He submits that in the supplementary statement, recorded on 27.3.2019, the complainant named the petitioner. He submits that the complainant is a criminal minded person and almost 17 FIRs have been registered against him. He submits that after completion of investigation against the petitioner, challan has been presented and the trial will take sufficient time for completion, therefore, further custody of the petitioner may not be justified. He further relies upon the order dated 31.10.2019 in CRM-M-19509 of 2019 and order dated 11.7.2019 in CRM-M-29059-2019 passed by this Court, whereby co-accused of the petitioner have been extended the concession of anticipatory bail.

On the other hand, learned State counsel, who is assisted by ASI Lakhbir Singh and counsel for the complainant opposed the prayer on the ground that the petitioner was instrumental in facilitating his accomplices to inflict injuries on the person of complainant, who received

as many as ten injuries, out of which injuries No.1 and 2 were declared to be dangerous to life and attracts the provision of Section 307 IPC. However, learned State counsel has not disputed the fact that investigation qua petitioner is already complete and co-accused of the petitioner have been extended the concession of anticipatory bail.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody 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, Ludhiana.

The petition is allowed.

November 28, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No