

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

**CRM-M No. 49846 of 2019
Date of Decision:-28.11.2019**

Bhupinder Singh @ Karan alias Fauji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Amrik Singh Kalra, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Bhupinder Singh @ Karan alias Fauji has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 75 dated 25.4.2019, under Sections 307, 148 and 149 IPC, registered at Police Station City Jagraon, District Ludhiana. The petitioner is in custody since his arrest on 29.4.2019.

The FIR was registered on the statement of Arshdeep Singh, wherein it was alleged that about 1 ½ years back, he had gone to Malaysia for doing work. Now, for the last three/four months, he had come to his house at Jagraon. On 22.4.2019, it was Sunday, he had gone to the house of his friend Rishavdeep Singh alias Rishu at Jagaron, where his friend Gurbinder Singh alias Punia also came. His motor-cycle got punctured.

Then his friend Rishavdeep Singh @ Rishu took his motor-cycle alongwith Gurbinder Singh @ Punia in order to leave him at his house. The motor-cycle was being driven by Rishu. At about 09:00 pm, when they reached Raikot Road near the street of Sonalika Agency, there at the turn of street Karan alias Fauji (petitioner herein) armed with *kahi*, Kannu armed with danda alongwith 4-5 unknown persons stopped their motor-cycle and started quarrelling. Thereafter, Kannu gave danda blow on left arm of complainant and the unknown persons started abusing him. Then Karan alias Fauji gave *kahi* blow with intention to kill him, which hit on his head and blood started oozing out. Due to that the complainant became unconscious and fell down. When he regained consciousness, he found himself in Arora Neuro Hospital.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case because as per the medical record of Arora Neuro Centre, the time and place of accident was given as 21.4.2019 at about 10.30 PM and date and time of admission of injured/complainant was given as 22.4.2019 at 3:40 pm. He contends that when the complainant was already admitted in the hospital on 22.4.2019 at 3:40 pm, how it can be possible that he received injuries in the occurrence, which as per FIR, occurred on 22.4.2019 at about 09:00 pm. He further submits that qua petitioner the investigation has been completed and challan has also been filed on 04.7.2019. He submits that there is delay in lodging the FIR as the occurrence allegedly took place on 22.4.2019 and the FIR was registered on 25.4.2019. It is further argued that the injury alleged to

have been caused by the petitioner does not attract Section 307 IPC, which was added subsequently. He further contends that since the trial will take sufficient time for conclusion, therefore, the petitioner be released on bail.

On the other hand, learned State counsel, who is assisted by ASI Baljinder Singh, opposed the prayer on the ground that the injury, attracts Section 307 IPC, however it is not disputed that the said section was added later on after obtaining opinion of the doctor. He further submits that the investigation qua petitioner has already been completed and challan stands filed.

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