

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

214

**CRM-M-7817-2020
Date of Decision : 02.03.2020**

Hardeep Masih @ Love

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.55 dated 15.06.2019 registered under Sections 324, 326, and 427 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Dhariwal, District Gurdaspur.

The above-said FIR was registered on a compliant made by Rashpal Masih stating that on 12.06.2019 in the evening he was going to his village on his motorcycle. When he reached just ahead to Kot Santokh Rai on a link road then on the left side accused Love, Kulwinder @ Minta, Daulat Masih, Banti and Vicky all armed with Datar were standing. When he was crossing them then accused-Bunty gave two blows of datar on his left arm. He fell down along with his motorcycle and other accused persons also attacked him with datar blow on the various parts of his body. Accused-Love also exhorted that he be killed. He ran away to save him from them and raised alarm on which villagers gathered there and on seeing the other persons the accused fled from the spot with their respective weapons. The police investigated the case and charge-sheeted the petitioner along with other co-accused. The petitioner being in custody has filed present petition for grant of regular bail.

Learned State Counsel has appeared and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The injuries attributed to the petitioner were declared simple. Injury inflicted with sharp edged weapon on the person of Rashpal Masih declared to be grievous is attributed to co-accused Buntty who has been granted bail by learned Judicial Magistrate Ist Class, Gurdaspur vide order dated 02.12.2019. The trial is likely to take long time and no useful purpose will be served by his further detention in custody. Therefore, the petitioner may be granted concession of regular bail.

Learned State Counsel has argued that allegations against the petitioner are serious and in view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, the fact that injury inflicted with sharp edged weapon on the person of Rashpal Masih declared to be grievous is not attributed to the petitioner and is attributed to co-accused-Buntty who has been granted bail by the trial Court vide order dated 02.12.2019 and the fact that trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Gurdaspur.

02.03.2020

Kothiwal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No