

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

CRM M-9258 of 2020 (O&M)

Date of Decision: June 08, 2020

Ravi Kumar @ KartoosPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. J.S. Dadwal, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. A.G., Punjab.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Ravi Kumar @ Kartoos, who is in custody has moved this second regular bail application under Section 439 of Cr.P.C. in FIR No. 55 dated 27.05.2018 under Sections 307, 323, 324, 354, 148 and 149 IPC, Police Station Khanna, District Ludhiana the first one having been dismissed as withdrawn vide order dated 23.05.2019.

The allegations against the accused are that he alongwith his co-accused/non-applicants on 26.05.2018 around

08.30 p.m., waylaid the complainant Didar Singh. On that date, accused/petitioner was armed with kirpan and so were the co-accused/non-applicants, Panna, Jyoti, Shankar and Rajan whereas Ravi was armed with danda and Laddi with a saria. A specific blow of kirpan is attributed to the petitioner on the little finger of left hand of the complainant by virtue of which the finger was chopped off.

Learned counsel for the petitioner *inter alia* contends that petitioner is behind the bars since 05.06.2018 and that the main accused Rajan who has been attributed a blow on the head of the injured by means of kirpan has been allowed anticipatory bail by this Court and that the trial is not likely to be concluded in near future.

Mr. Sandeep Vermani, Addl. A.G., Punjab learned State counsel has strongly opposed the grant of the bail by submitting that the petitioner is habitual offender and facing five different criminal cases of varied provisions of law and that he is instrumental in chopping off little finger of the left hand of the injured and, therefore, in case he is allowed bail, he will stifle the trial.

The petitioner is behind the bars for more than two years and the very question of applicability of Section 307 IPC is a debatable issue. As is conceded to at the bar by the learned State counsel, the trial is still to begin and that the co-

accused/non-applicants Rohit @ Rohit Kumar and Rajan have been allowed bails whose cases are at poor footing than that of the petitioner.

In view of the period of incarceration and without feeling necessity to advert on to the merits as the trial is not likely to be concluded in near future, the present bail application is allowed. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

In case during the course of trial if the petitioner threatens any witnesses of the prosecution or tries to stifle the trial or commits any other criminal offence, the prosecution shall be within its rights to move application for cancellation of the bail.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

June 08, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No