

**(Proceedings conducted through video conferencing on account of
Covid-19 Pandemic)**

CRM-M-18080-2020

Date of Decision: 27.07.2020

AKASHAY KUMAR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. D.S.Malwai, Advocate, for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case FIR No. 06 dated 08.01.2020 under Sections 458, 324, 323, 148, 149 IPC and Sections 325, 460, 201, 326 and 506 IPC (added later on) registered at Police Station Moonak, District Sangrur.

Briefly, the allegations, as put forth in the aforesaid FIR, are to the effect that on 07.01.2020 at about 6:30 P.M., Sukhwinder Singh @ Sukhu alongwith his father Pritam Singh, brother Simranjit Singh @ Simi, mother Manjit Kaur and 6/07 unknown persons armed with sharp edged weapons and sticks entered their house. Pritam Singh exhorted the co-accused. Sukhwinder Singh @ Sukhu inflicted kirpan blow towards the head of Amrik Singh (complainant), who raised the left hand and blow fell on his little finger. Simranjit Singh @ Simi inflicted kirpan blow on the left side of the forehead and Pritam Singh inflicted gandasas blow from the reverse side on the right side of the chest of the complainant. An unknown persons gave stick blows which landed on the right thumb. An alarm was raised which attracted Budh Singh, the father of the complainant. Manjit Kaur gave kirch blow towards the abdomen of the father, who fell down, but no loss was caused by said kirch blow. The dang blow was also inflicted upon him. Pritam Singh had inflicted gandasas blow below the elbow of Budh Singh. An alarm was raised which attracted the people and the assailants slipped away.

It has been contended by the learned counsel for the petitioner that the arrest of the petitioner was effected on 20.01.2020, he has not been named in the FIR and the sole injury under Section 326 IPC is on the little finger of the complainant.

On the contrary, learned State counsel, on instructions from ASI Kulwinder Singh, states that though the petitioner has not been named in the FIR, but his name has surfaced in the supplementary statement of the complainant recorded on 20.01.2020. It has been further pointed out that there were four injuries on the person of Amrik Singh (complainant) and three injuries on the person of his father Budh Singh.

It has been conceded by learned State counsel that there is only one injury which falls under Section 326 IPC and the same is on the little finger of the complainant. The name of the petitioner has surfaced in the supplementary statement of the complainant which has been recorded after a period of about 12 days. No injury or role has been attributed to him in the supplementary statement. The investigation of the case is complete and challan has already been presented in the Court.

Keeping in view the abovesaid facts, no useful purpose will be served by keeping the petitioner behind the bars in the present case. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court.

27.07.2020

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No