

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

CRM-M-25094-2020

DECIDED ON: 14th DECEMBER, 2020

KARAN KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rajiv Joshi, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for seeking regular bail in FIR No. 63, dated 1st May, 2019, under Sections 302, 341, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Garshankar, District Hoshiarpur.

The FIR was at the instance of Navpreet Kaur. It is alleged that on 30th April, 2019 she alongwith her husband Paramjeet Singh had gone to fair in their village at the place of Peer. At about 11.30 PM her husband Paramjeet Singh was surrounded by Baljeet Singh @ Honey, Avtar Krishan, Gorak Sahota, Jatinder Kumar @ Jodha and Karan Kumar @ Tiddi. Accused gave slaps and fist blows and Baljeet Singh @ Honey gave a 'khanda' blow on the head of Paramjeet Singh, he fell down and was taken to Civil Hospital, Garshankar. He was given first aid and was referred to Civil Hospital, Nawanshahar where he was declared brought dead.

Learned counsel for the petitioner submits that the petitioner surrendered before the Magistrate on 2nd September, 2019 and is still

behind the bars. It is further argued that no specific injury or role has been

attributed to the petitioner. He relies upon the MLR to show that there was only one injury on the head of the deceased (*“an incised wound measuring approx. 10x5 cm bone deep with fracture of the underlying bone corresponding to the incised wound. Large amount of blood removed Pressure bandage applied to stop the bleeding. Present over right temporo parietal region of head Adv Neurosurgeon opinion”*), which is attributed to Baljeet Singh. It is further stated that charges have been framed, the co-accused were not arrested hence the trial is likely to take time.

Learned State counsel opposes the prayer and submits that the surrender of the petitioner was not *bona fide*. He tried to help the other co-accused for filing cross case by inflicting friendly injuries, so that the matter can be compromised.

No fatal injury attributed to the petitioner rather no specific role is alleged. He is behind the bars since September, 2019 and had surrendered himself before the Court. The investigation in the absence of arrest of other co-accused as on date is complete. Considering the facts, the present petition is allowed and the petitioner is granted bail, subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court.

Needless to say that in case of arrest of co-accused and need so arises for further investigation from the petitioner, the State would be at liberty to have remedies available in accordance with law.

(AVNEESH JHINGAN)
JUDGE

14th DECEMBER, 2020

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Whether speaking/reasoned	Yes
Whether reportable	No