

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 29580 of 2020

Date of Decision: 30.09.2020

Rajiv alias Raju

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Girdhari Shanker Verma, Advocate
for the petitioner(s).

Ms. Samina Dhir, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 117 dated 26.06.2020, registered under Section 307, 452, 506, 294, 148 & 149 IPC at Police Station Focal Point District Ludhiana.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Ludhiana in para 5 of its order dated 15.09.2020, which is extracted as under:-

“Perusal of the record reveals that the present case was registered on the basis of statement of complainant Joginder Khushwaha s/o Radhey Khushwaha r/o House No.650, Jangal Chorian, District Kushinagar, UP at present resident of Street No.3, Mata Bhag Kaur Colony, Gobindgarh, in which, he stated that he is residing at the address stated above along with his brother

Shambhu and his family. On 16.06.2020, his (complainant Joginder Khushwaha's) brother Shambhu and his family members along with other people of the locality were sitting outside their respective houses. At about 08.00 PM, his (complainant Joginder Khushwaha's) neighbour Rajeev @ Raju son of Mohinder Singh resident of Bihar at present resident of Mata Bhag Kaur Colony was fighting with his neighbour Shankar. At that time, he (complainant Joginder Khushwaha) had tried to stop said Rajeev @ Raju from using abusive language towards said Shankar and his family members, upon which, said Rajeev @ Raju had gone to his house while giving abusive remarks to him (complainant Joginder Khushwaha). At about 09.30 PM, above said Rajeev @ Raju along with his brother Sandeep had come out from their house and at that time, said Rajeev @ Raju was armed with iron pipe whereas said Sandeep was armed with iron daat. After then, 1012 other persons had reached at the spot, who were armed with wooden sticks and they were called there by said Rajeev @ Raju and Sandeep. Thereafter, all the said persons had started to scuffle with him (complainant Joginder Khushwaha) and his brother Shambhu. In order to save his life, he (complainant Joginder Khushwaha) had rushed inside his house and he had tried to conceal himself in the kitchen, but the above said persons had followed him to the kitchen, where said Sandeep had given iron daat blow in his (complainant Joginder Khushwaha's) forehead with intention to kill him and the other persons had also given beatings to him. After then, his (complainant Joginder Khushwaha's) neighbour Shankar had tried to rescue him from the clutches of above said persons, but they had also given beatings to said Shankar. Thereafter, various people of the locality had started to gather at the spot, due

to which, the above said persons had fled away from the spot along with their respective weapons. Then, he (complainant Joginder Khushwaha) was shifted to Civil Hospital, Ludhiana, but due to severe injuries, he was taken to Deepak Hospital, Sarabha Nagar, Ludhiana for treatment. Action may be taken”.

Learned counsel for the petitioner contends that there is a delay of nine days in registration of the FIR. He further contends that the injury attributed to the petitioner has been declared simple and the petitioner is in custody since 27.06.2020.

On the other hand, Ms. Samina Dhir, Deputy Advocate General, Punjab, has contended that the petitioner is involved in a heinous crime.

It is not in dispute that on conclusion of the investigation, the challan has already been presented in the Court. The conclusion of the trial of case is likely to take time. The petitioner has already suffered incarceration for a period of more than two months.

Keeping in view the aforesaid facts and without commenting on merits, it is considered appropriate to direct the petitioner to be released on regular bail as the conclusion of the trial of the case is likely to take time. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

September 30, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No