

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

**CRM No.M-30109 of 2020 (O&M)
Date of Decision: October 01, 2020**

Rajinder Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ashish Bakshi, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the pandemic COVID-19 situation

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail in case FIR No.38 dated 15.03.2019 under Sections 307
and 34 IPC, registered at Police Station Division No.3, Ludhiana.

Notice of motion.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab, accepts notice on
behalf of the respondent-State.

Heard on the petition.

As per version of the prosecution, the aforesaid case was
registered at the instance of Binder Lal s/o Chedi Lal, on the accusations
that two unknown persons, on 15.03.2019 at about 7.30 a.m., have thrown
petrol carried in a steel glass, when the complainant declined to take liquor

offered to him by the said unknown persons. While one person had thrown the petrol on the face of the complainant, the other hand thrown match stick on his face. Burn injuries were caused on the face of the complainant, whereupon, present FIR was got registered.

Now, it is submitted by learned State counsel that petitioner has been falsely implicated in the present case. In fact, no occurrence had been caused by the petitioner. He is not named in the FIR. The present petitioner has been nominated in this case, in pursuance of statements of Manoj Bhandari and Pinki Gandhi, so recorded under Section 161 Cr.P.C. However, challan has been presented and five witnesses of the prosecution have been examined. Manoj Bhandari has been examined as PW-1 and Pinki Gandhi has been examined as PW-5. Both the said material witnesses, to connect the accused with the occurrence in question, have not supported the prosecution version as they have turned hostile and nothing material elicited out to establish connectivity of the petitioner with the occurrence in question. Besides the same, statement of the complainant Binder Lal has been recorded as PW-2 and even statement of Dr.Sheetal Sharma, Medical Officer, has been recorded as PW-4. The injuries are stated to be superficial in nature. It is also submitted that petitioner is in custody since 16.03.2019.

However, learned State counsel has not assailed the submissions so made, so far as, presentation of challan and recording of five witnesses of the prosecution is concerned. It is also not disputed that petitioner is in custody since 16.03.2019.

The perusal of the record reveals that at first instance, in the FIR, the complainant had stated about the occurrence regarding throwing of petrol in a steel glass on his face by some unknown persons. It is the

version of the prosecution that present petitioner was nominated in this case subsequently in view of the statements of Manoj Bhandari and Pinki Gandhi got recorded under Section 161 Cr.P.C. Both the said witnesses have already been examined by the prosecution and they are said to have not supported the prosecution version. Even, the complainant has been examined as PW-2 and his statement has come on record. Likewise, statement of Dr.Sheetal Sharma, Medical Officer, who had medico-legally examined the complainant, has also been examined as PW-4. Suffice to mention that concerned doctor had stated the injury to be superficial burn and while facing cross-examination, she also stated that injury is not dangerous to life.

Considering the aforesaid fact situation and the fact that major witnesses have already been examined by the prosecution and considering the period of detention of the petitioner, without prejudice to the rights of the parties to be adjudicated on merits, the present petition, as such, is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate.

(ARCHANA PURI)
JUDGE

October 01, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No