

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

(229)

CRM-M-37251-2020**Date of Decision: 18.11.2020**

Deepak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ajay Pal Singh Gill, DAG, Punjab.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.108, dated 17.05.2020, at Police Station Kathu Nangal, District Amritsar, under Sections 307, 323, 324, 148, 149, 188 IPC.
2. The FIR in question was registered at the instance of Babbi, wherein it has been alleged that on 16.05.2020, when he alongwith his son Bunty and nephew Himant was going towards their house and when they reached near Baba Deep Singh Enclave, they were stopped by the accused persons who came on three different motor-cycles from front side. It is alleged that while Bharat was armed with datar; Rahul Masih was armed with sword; Sagar was also carrying sword; Kashu was carrying datar and Sahil was armed with datar, who were accompanied by some unknown persons having muffled faces. It is alleged that Bharat gave a datar blow towards Bunty's head, but Bunty

raised his left arm to save himself and consequently the said blow hit on his left wrist. Thereafter, Bunty tried to run away from the spot, but the said persons chased him and caught hold of him. Bharat Masih, Rahul Masih, Sahil Masih, Sagar and Kashu gave injuries to him with their weapons while the unknown persons who were empty handed also gave beatings to him.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has subsequently been nominated as an accused on the basis of some improvements made by the witnesses. Learned counsel has further submitted that in any case the unknown persons who are mentioned in the FIR are not stated to be carrying any weapon and as such, the petitioner cannot be attributed any serious injury to the injured. It has further been submitted that in any case even as per the medical record, none of the injury allegedly sustained by the injured can be said to be on any vital part and as such, the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has stated that since the name of the petitioner cropped up during the course of investigation, no case for grant of bail is made out. Learned State counsel has however informed that the petitioner has been behind bars since the last more than 5 months and 23 days.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner is not specifically named in the FIR and that he has been behind bars for the last more than 5 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on

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regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

18.11.2020

Vimal

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**