

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

223

CRM-M-901-2021

Date of Decision : February 08, 2021

AMIT KUMAR ALIAS LOVELY BHAGAT

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present : Mr. Manuj Nagrath, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

HARNARESH SINGH GILL , J. (Oral)

CRM-2565-2021

Allowed, as prayed for.

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The prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.80 dated 11.6.2020 under Sections 323, 324, 341 and 34 IPC (Sections 325 and 326 IPC added later on) registered at Police Station Division No.2, District Jalandhar.

Counsel for the petitioner states that the FIR was registered on the statement of injured-Desh Raj under Sections 323, 324, 341 and 34 IPC. Later Sections 325 and 326 IPC were added. At the initial stage, the petitioner was granted bail but after addition of Sections 325 and 326 IPC, the anticipatory bail application of the petitioner was dismissed. It is further submitted that vide order dated 25.8.2020, a Co-ordinate Bench of this Court had stayed the arrest of the petitioner, till the passing of an

order by the Judicial Magistrate Ist Class, Jalandhar. The petitioner has been in custody since 18.10.2020.

On the other hand, learned State counsel has pointed out that the injury attributed to the petitioner on the head of the complainant, is grievous in nature and, therefore, he is not entitled to the concession of regular bail. However, he has not disputed the fact that on an application filed by the other co-accused, an enquiry was conducted and they were kept in column No.2 of the challan, which has already been presented.

I have heard learned counsel for the parties.

Indisputably prior to addition of the offences under Sections 325 and 326 IPC, the petitioner was granted the concession of bail. It was only after the addition of the aforesaid offences, his application for anticipatory bail was dismissed. There is no dispute to the fact that the petitioner is alleged to have caused grievous injury on the head of the injured, but the fact remains that the petitioner has been behind the bars since 18.10.2020. There is no material on record that the petitioner had misused the concession of bail earlier granted to him.

In view of the above, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing of bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

February 08, 2021
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(HARNARESH SINGH GILL)
JUDGE

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