

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

220

CRM-M-6598-2021

Date of Decision: 02.03.2021

Rahul

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vivek Aggarwal, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Kuldeep Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.152 dated 16.11.2020 at Police Station Division No.2, Jalandhar, under Sections 341/324/148/149 IPC (Section 326 IPC added later on).
2. The FIR was lodged at the instance of Anil Kumar, wherein it is alleged that on 05.11.2020, when he was going on his scooter to pick up his brother from his aunt's house, then he was waylaid by the accused Lovepreet and others including Rahul Sabharwal, Shiva, Preet Phagwara, Ajay Tekar and Vishal. It is alleged that Lovepreet grabbed the complainant from his arm while Rahul Sabharwal (petitioner) hit on the left hand of the complainant with

a *datar*. Shiva is alleged to have given several blows with *datar* on the head of the complainant. Preet Phagwara is stated to have given a blow on the ear of the complainant with the baseball bat. It is further alleged that Ajay Tekar stated that the complainant be caused more injuries and thereafter, another boy namely Kaka Malhotra also caused an injury to him on his back with some weapon.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, the petitioner is attributed one injury only on the hand of the complainant, which has been opined to be a simple injury. It has further been submitted that the solitary grievous injury is attributed to co-accused Shiva.
4. Opposing the petition, learned State counsel has submitted that since as many as 4 injuries including one grievous injury has been caused to the complainant and the petitioner is specifically attributed one of those injuries, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 months and that he is involved in one more case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations and the fact that the grievous injury is not attributed to the petitioner, who has already been behind bars since the last more than 2 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 regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.03.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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