

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

Sr. No.203

CRM-M-17534-2021

Date of decision: 08.07.2021

Satish Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.32 dated 18.02.2020 registered under Sections 307, 323, 506, 148, 149 IPC and Section 25 of the Arms Act, 1959 at Police Station Jodhewal, District Police Commissionerate Ludhiana.

The petitioner is being prosecuted for being a member of an unlawful assembly which caused fire arm injuries to the complainant and his friend Sham Lal.

Learned counsel for the petitioner submits that the petitioner, who is a young boy aged 24 years has been falsely implicated in the case; there is no other criminal case in which the petitioner is involved; the petitioner has been in custody since 21.08.2020; even if the case of the prosecution is taken as gospel truth, though vehemently denied, no role whatsoever is attributed to the petitioner in the alleged crime; the fire arm injuries are attributed to co-accused Mani Nepali and Baljinder Singh @ Rock; the alleged recovery from the petitioner is a base ball bat but the medical evidence does not show any injury on the complainant side with a blunt weapon; co-accused Mukul who is similarly placed as the petitioner has been granted regular bail by this Court; report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to

influence the investigation and that the petitioner's trial in which 23 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is accused of serious offences and if released on bail he is likely to indulge in similar activities.

The petitioner is a young boy aged 24 years; he has been in custody since 21.08.2020; no specific injury is attributed to the petitioner; report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation; co-accused Mukul has been released on regular bail by this Court and that the petitioner's trial in which 23 prosecution witnesses still remain to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

July 08, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No