

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-18710-2021 (O&M)
Date of Decision:-30.6.2021

Ashok Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ajay Pal Singh Rehan, 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 approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.119 dated 23.8.2020 at Police Station Mehtiana, District Hoshiarpur under Sections 307, 186, 332, 333, 188, 269, 353 of Indian Penal Code and Section 51 of Disaster Management Act, 2005.
2. The FIR was lodged at the instance of ASI Hargopal, wherein it alleged that on 23.8.2020 he alongwith other police officials were present in the market of Village Issapur in connection with compliance of orders of imposition of lockdown. Since one of the shops was found to be open he alongwith other police officials went to the said shop and asked the owner namely Ashok Kumar to close his shop but the owner Ashok Kumar refused to do so and argued with them and tore uniform of ASI Chaman Singh and further gave

three blows with a sharp edged '*datar*' like weapon to ASI Chaman Singh with an intention to kill him and on account of which ASI Chaman Singh started bleeding.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even if the allegations are taken to be correct no offence under Section 307 IPC can be said to be made out.
4. Opposing the petition, learned State counsel has submitted that as per MLR as many as 4 incised wounds were found on the person of ASI Chaman Lal out of which 3 are on his head and 2 have been declared to be grievous injuries and that in these circumstances, 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 about 10 months and 3 days and that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has been behind bars since the last about 10 months and 3 days and that trial is yet to commence inasmuch as even the charges have not been framed, further detention of the petitioner will not serve any useful purpose. 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.

30.6.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

**(Gurvinder Singh Gill)
Judge**