

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

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**CRM-M-19186-2021(O&M)
Decided on : 25.05.2021**

KUMESH KUMAR

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. HPS Ghuman, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab
assisted by ASI Hardam Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.61 dated 27.06.2020 under Sections 307, 324, 323, 326, 506, 148 and 149 of the IPC registered at Police Station Doraha District Ludhiana.

On a pointed query put to the learned counsel for the petitioner as to what was the change in circumstances subsequent to the withdrawal of the previous petition seeking bail, learned counsel has apprised that similarly situated co-accused has since been extended the concession of bail vide order dated 30.04.2021 (Annexure P-8). Learned counsel has further prayed that the petitioner has been in custody since 30.06.2021 and only challan stands presented as on date hence there is no likelihood of the trial concluding any time in the near future. Learned counsel has further submitted that the petitioner has been falsely implicated in the case in hand which is evident from a perusal of the FIR in question. While inviting the attention of this Court to the FIR in question annexed as Annexure P-1,

learned counsel has submitted that the petitioner was attributed a lalkara and a blow with a wooden handle below the neck of the complainant. While inviting the attention of this Court to the MLR of the complainant-Hartej Singh (annexed as Annexure P-6), learned counsel has submitted that the injuries do not find corroboration with the allegations levelled in the FIR inasmuch as no injury stands reflected on the neck or around the neck of the complainant.

Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner on instructions from ASI Hardam Singh has submitted that the petitioner was an active participant in the occurrence in question. He has further conceded that the injury allegedly inflicted on the complainant by the petitioner does not find reflected in the MLR of the complainant.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 25, 2021

S.Sharma(syr)

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No