

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-20329-2021

Date of Decision: 23.6.2021

Suresh Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Aditya Pratap Singh, Advocate
for the petitioner (s).

Mr. P.S.Walia, AAG, Punjab.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 439 Code of
Criminal Procedure for grant of regular bail to the petitioner in case FIR
No.15 dated 3.2.2021 registered for the offences punishable under Sections
354, 324, 323, 148, 149 of Indian Penal Code (for short, "IPC") (Section
326 IPC added later on) at Police Station Sadar Pathankot, District
Pathankot.

On notice, present petition has been contested by the State.

I have heard learned counsel for the petitioner as well as the
learned State counsel.

FIR in this case was registered on the basis of complaint lodged
by Radhika, alleging that on 31.1.2021 at about 7.00 p.m., she and her
mother Anu Bala were intercepted by the petitioner and Puran Chand, while

when she raised alarm, they torn her clothes and then ran away. It being dark, they failed to report the matter to the police. On the next day, when they were going to police station to report the matter, she was threatened by the petitioner. Subsequently, on the same day, i.e. On 1.2.2021, at about 10;30 a.m., she went to her plot to provide tea to the labourers and in the meantime, the petitioner along with some other unknown persons reached there in an auto-rickshaw and started abusing her. Due to fear, she and her mother ran towards the village but on the way, the petitioner succeeded in stopping them. He caught her arm and also tried to kidnap her. On this, her mother raised alarm. In the meantime, his accomplice Pushpa Devi raised *lalkara*. One Monika caught the complainant and then Parveen Kumari handed over the datar to the petitioner who gave its blows on the right arm of the mother of the complainant. The petitioner also caused more injuries to her, on which, the mother of the complainant fell on the ground. Then, the petitioner gave datar blows on the left arm and knee of the complainant. Thereafter, all the accused fled away from the spot. Initially, FIR in this case was registered under Sections 354, 324, 323, 148, 149 IPC. After receipt of medical report, offence under Section 326 IPC was added as injury No.1 on the person of the complainant was declared grievous.

As per custody certificate available on record, the petitioner is in custody since 1.4.2021 and his actual period of custody comes out to be 2 months and 21 days. During arguments, it has been brought to the notice of the Court that after completion of investigation, challan has been presented against the petitioner as remaining accused were found innocent during investigation. It is also not disputed that the injured have already been

proceedings have taken place in the trial Court due to prevalent Covid-19 situation. This Court is of the view that in these circumstances, no purpose is going to be served even if the petitioner is kept behind the bars for any longer period.

Accordingly, without commenting on the merits of the case, present petition is allowed and the petitioner is ordered to be released on regular bail during the pendency of the trial subject to his furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate, Pathankot. Direction is also given that the petitioner is not to pressurize the prosecution witnesses in any manner.

June 23, 2021

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No