

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23139-2021(O&M)

Date of decision : 02.11.2021

Mangi @ Rajiv Grover

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Naveen Batra, Advocate
for the petitioner.

Mr.N.K.Banka, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail in FIR no.198 dated 28.12.2020 registered under Sections 323, 324, 148,149 IPC (Sections 325, 326 IPC added later on), at Police Station Sadar Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner has submitted that as per prosecution case, the petitioner has been attributed one specific injury inflicted with the wooden stick on the head of the complainant and the said injury is simple in nature. It is further submitted that injury attracting Section 326 IPC has been attributed to Sagar who is stated to be given a blow on the complainant's head with iron '*Khanda*'. It is further submitted that no specific injury has been attributed to the petitioner with respect to the other injuries inflicted upon Lucky Adia. It is further submitted that there is delay of 12 days in registration of FIR, and the petitioner has been

been presented, and there are 12 witnesses out of which one has been examined, and thus, the trial is likely to take time, more so, in view of the present pandemic.

Learned State counsel has opposed the petition for regular bail on the ground that the petitioner is involved in several other cases and also the fact that three injuries were inflicted upon Lucky Adia and he had suffered two fractures on both his arms. The custody certificate of the petitioner has been produced, as per which the petitioner has already actual undergone 6 months and 24 days.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”, 2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Keeping in view the abovesaid facts and circumstances and more so, the fact that one specific injury which has been attributed to the petitioner with a wooden stick is simple in nature and no specific injury has

been attributed to the petitioner qua injured Lucky Adia and the fact that in the present case, the petitioner has been in custody since 08.04.2021, i.e. 6 months and 24 days of actual custody and the challan in the present case has already been presented, and there are 12 witnesses, and there is a delay of 12 days in registration of FIR and also in view of the law laid down by the Hon'ble Supreme Court in *Maulana's* case (supra), and the trial is likely to take time more so in view of the pandemic, the present petition for regular bail is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 02, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No