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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.20454 of 2020 (O&M)

Date of decision: 04.03.2021

Balvir Kumar @ Binta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ravi Chadda, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Amit Dhawan, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.137 dated 04.05.2019, for offence punishable under Sections 323, 341, 427, 379-B, 506, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Division No.5, Ludhiana, District Ludhiana.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Neeraj Kumar, 07 persons were named in the FIR by specifically naming them. It is further submitted that on the date of occurrence, when the complainant has gone to Mohali to watch a cricket match, at midnight, all the 07 accused persons came there, who were under the influence of some intoxicant, encircled the complainant and others. They were armed with

iron daat and wooden sticks and started abusing them when the complainant tried to flee from the spot, Lakhan gave an iron daat blow on his arm and leg and others gave beatings with sticks. Thereafter, Lakhan and Balvir Kumar (petitioner) snatched Rs.5,000/- from the pocket of the complainant. It is further stated that the motive behind the attack was that Vicky resident of camp is working as a Cable Operator and few days ago, Lakhan and Laddi had inflicted injuries to Vicky, for which an FIR was registered at Police Station. It is further argued that the petitioner is in custody for the last 01 year and 02 months and charges were framed on 23.10.2016, however, no PW has been examined. Counsel for the petitioner has further submitted that in fact on account of a business rivalry, the present FIR has been registered.

Counsel for the State, assisted by counsel for the complainant and on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that the petitioner is involved in one more FIR registered under Sections 323, 324 IPC, on which he is on bail and in one FIR, he already stands acquitted.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 02 months and 13 days; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

04.03.2021

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No