

CRM-M-36015-2021

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36015-2021

Date of decision : 07.09.2021

AJAY BHATTI @ AJAY KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Lokesh Vohra, Advocate
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of this Code of Criminal Procedure (in short Cr.P.C') in FIR No.71 dated 28.07.2018, for offences punishable under Section 323, 379-B, 148, 149 of the Indian Penal Code and Section 326 of IPC added subsequently (in short 'IPC'), registered at Police Station Mallanwala, District Ferozpur.

Learned counsel for the petitioner submit that as per the allegation in the FIR registered at the instance of Amit Gaba when he was coming back to his village after closing his shop, co-accused Sandeep @ Sipi, Kalu, petitioner-Ajay Bhatti and Harjinder were standing with baseball

bat and kirpan with them. Petitioner raised a lalkara to catch hold of Amit and gave a punch blow on right eye and another punch blow on his left jaw. Harjinder inflicted three injuries from the baseball bat which hit chest, left and left side of back. Being injured he fell down from the motorcycle on road, then Sandeep @ Sipi gave a kirpan blow which hit on the left leg and Kalu hit him with baseball bat thrice which hit his chest, back and right arm.

Learned counsel for the petitioner further submits that injury No.6 which was attributed to co-accused Sandeep @ Sipi was declared grievous and Section 326 of IPC was added subsequently.

It is further submitted that the injury attributed to be the simple in nature and the petitioner is in custody from the last 02 months 04 days and is not involved in any other case.

It is further submitted that the co-accused Sandeep @ Sipi who has attributed grievous injury has already granted concession of regular bail by Court vide order dated 26.09.2018 (Annexure P-3) and another co-accused Harjinder has also granted regular bail by the Additional Sessions Judge, Ferozepur vide order dated 05.03.2020 (Annexure P-4).

It is also submitted that another co-accused Kalu @ Gurtej Singh has granted concession of anticipatory bail by this Court vide order dated 18.01.2021 in CRM-M-2390-2021 and prays that the petitioner may be allowed concession of regular bail.

Custody certificate has been filed by the respondent-State which is taken on record.

Counsel for the State, has not disputed the factual position that the petitioner has attributed simple injuries.

After hearing the learned counsel for the parties and also considering the fact that the co-accused has already been granted the concession of regular bail, the petitioner is directed to be released on bail subject to his furnishing bail bonds and 02 sureties of heavy amount 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

07.09.2021

tarun sahani

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No