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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

* * *

CRM-M-33058-2020
Date of Decision: 07.01.2021

Rahul Kumar @ Kalu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Fatehjeet Singh, Advocate for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

* * *

Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for regular bail in case of FIR No. 121, dated 21.06.2020 under Sections 307, 323, 324, 148, 149 (326 added later on) of the Indian Penal Code, 1860 registered at Police Station Bhargo Camp, Jalandhar.

The FIR was at the instance of Rohit Malik. The incident took place on 20th June, 2020. At about 8:00 P.M., when the complainant along with his friends were consuming liquor near the cremation ground. At about 10:00 P.M., Mukesh Kumar @ Maggi and his brother Jaspal Singh @ Lovely armed with sword along with others including Rahul Kumar @ Kalu (petitioner) having wooden wicket came there and attacked Gaurav Sharma. Injuries were inflicted, one injury inflicted by sharp edged weapon was declared dangerous to life and three other injuries inflicted by sharp edged weapon were grievous.

Mr. Fatehjeet Singh, learned counsel for the petitioner submits that

the petitioner was allegedly carrying wooden wicket and injuries attributed to petitioner are simple in nature. It is argued that no recovery is to be made and the petitioner is in custody since June, 2020.

Ms. Samina Dhir, Deputy Advocate General, Punjab, on instructions from ASI Vijay Kumar, submits that though the injuries attributed to the petitioner are simple in nature but he was accompanying other co-accused, one of whom has inflicted grievous injuries, one of which is dangerous to the life of the complainant.

Considering that simple injuries have been allegedly inflicted by him; no recovery is to be made; he is in custody since June, 2020 and that the conclusion of trial will take time, it would not be appropriate to deprive him of personal liberty any further.

Petitioner is granted bail subject to furnishing surety/ bail bonds to the satisfaction of learned trial Court/ Duty Magistrate.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

7th January, 2021

pankaj baweja

Whether speaking/reasoned	Yes
Whether reportable	Yes