

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37811 of 2021

DECIDED ON: 25th October, 2021

Rajesh Kumar

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Shakti Mehta, Advocate for petitioner.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.144 dated 8.7.2021, under Sections 365, 364 (added later on) 323, 341, 506, 148, 149 and 120-B IPC, 1860, registered at Police Station City Samana, District Patiala.

The FIR was registered at the instance of Pardeep Aneja. It was alleged that on 4.7.2021, four persons came to the house of the complainant who was working as Journalist and after making some inquiry they went away. In the evening at about 6:00 p.m. complainant received a telephonic call that the persons who visited his house want publication of some material. He was called at Waraichan Patti, Samana. He reached there on the motor cycle. He was taken inside a house. He was given blow with fist and dang. His silver chain as well as mobile, ATM and press card fell down. Thereafter he was forcibly taken in the car to Dirba where he was threatened not to publish any news

Learned counsel for the petitioner submits that there is no specific role or injury attributed to the petitioner. The petitioner is in custody since 10.7.2021. Investigation is complete. No recovery is to be made from petitioner. It is argued that Additional Sessions Judge, passed two contradictory orders, granting bail to co-accused Ajay @ Raju @ Raj Kumar and declining bail to petitioner, without there being material differences in the role attributed.

Learned State counsel on instructions from ASI Sinder Singh submits that as per the FIR when the complainant was taken to the house by the accused Ajay @ Raju @ Raj Kumar went to the kitchen where other three gave beatings to the complainant.

Considering the custody period and the fact that there is no specific role attributed to the petitioner, no recovery is to be made, co-accused was granted bail by the Additional Sessions Judge, Patiala and conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

25th October, 2021

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**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>