

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

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**CRM-6006-2021 in
CRM-M-33725-2020.
Date of Decision: 03.03.2021.**

Vishal Kumar

....Applicant/Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Shakinder Pal Singh Chakkal, Advocate
for applicant/petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab
for respondent-State.

Lalit Batra, J.(Oral)

CRM-6006-2021

This application under Section 482 Cr.P.C. is for preponing the
date of hearing of the main petition, which is already fixed for 20.04.2021.

Notice of the application.

At the asking of Court, learned State counsel accepts notice of
the application and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no
objection by learned State counsel, hearing of the main petition is preponed
and is taken on Board today itself.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Vishal Kumar** for grant of regular bail in case FIR No.185 dated 02.09.2019 under Sections 148, 307, 323, 324, 326, 341, 379-B, 427 and 506 IPC read with Section 149 IPC, registered at Police Station Haibowal, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that allegedly simple injury on the person of complainant party has been attributed to the petitioner. He further submits that co-accused Harsh Gupta to whom grievous injury by means of sharp-edged weapon on the person of injured-Sunny @ Pubbi is attributed, he has already been admitted to regular bail by this Court, vide order dated 26.02.2020 passed in CRM-M-5555-2020 (Annexure P/2). Apart from that, co-accused Akash Sharma @ Kandy has also been granted concession of regular bail by this Court, vide order dated 20.05.2020 passed in CRM-M-6134-2020. He further submits that petitioner is in custody since 10.09.2019 and he is no more required by the Police for any investigation purpose. He further submits that final report under Section 173 Cr.P.C. (challan) has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

Reply dated 12.02.2021 by way of affidavit of Gurpreet Singh, PPS, Assistant Commissioner of Police, Ludhiana West, already filed on behalf of respondent-State, is taken on record.

Custody certificate filed by learned State counsel is also taken on record.

Learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have gone through the contents of petition as well as reply furnished at the instance of respondent-State.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 10.09.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Vishal Kumar** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Ludhiana, as the case may be.

(LALIT BATRA)
JUDGE

03.03.2021
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No