IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.-M No.41070 of 2021
Date of Decision: October 05, 2021

Lalit Kumar @ Nanu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

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MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.100 dated 03.08.2021, under Sections 307, 325, 323, 341, 148 and 149 IPC, 1860, registered at Police Station, Sadar Pathankot, District Pathankot, who is in custody since his arrest on 04.08.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge-I, Pathankot in his order dated 16.09.2021, are as under:-

> *"Brief facts of the case are that the FIR was registered on the statement of complainant Hem Raj that on 12.7.2021, complainant was going to his village after closing his shop in Activa bearing no.PB-35-M3674. At about 7:10 PM, when he reached his bridge of village near Gujran Da Dera, then Lalit Kumar armed with baseball bat, Dikshant alias Sanju armed*

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with hockey and Romy and Panku empty handed were 2 standing. Lalit Kumar gave the signal to stop the complainant and he gave the blow of baseball bat which hit on his left ear above the head and he gave the second blow which his on his wrist. Then, Dikshant alias Sanju gave the blow of hockey which hit on his right arm and he fell down on the ground. The other co-accused gave the fist blow to the complainant. Complainant was rushed to the Civil Hospital, Pathankot. The complaint suffered supplementary statement. Investigation was initiated and the offence was made out under Sections 307, 325, 323, 341, 148, 149 IPC"

Learned counsel for the petitioner has argued that the alleged occurrence took place on 12.07.2021 and the FIR was lodged after a long delay on 30.07.2021 and as per the prosecution version, no offence under Section 307 IPC was made out. However, subsequently on 03.08.2021 complainant made a supplementary statement that an attempt was made to murder him, the offence punishable under Section 307 IPC was added. According to him, the investigation is almost complete, therefore, the petitioner be released on bail.

On the other hand, learned State counsel, assisted by ASI Hem Raj, does not dispute the above facts and submits that the injury caused by the petitioner with baseball bat on the head of the victim is simple, whereas the other injury caused by him on the upper wrist of the right hand is grievous. He has produced the custody certificate by way of affidavit of Hemant Sharma, PPS, Additional Superintendent, Central Jail, Kapurthala, which indicates that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, considering the above background and the fact that the petitioner is not involved in any other case, this court is of the opinion that as the conclusion of trial is likely

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to consume considerable time, thus, the further detention of the petitioner behind the bars may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 04.08.2021. The material witnesses are either the complainant or the police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Pathankot.

October 05, 2021 **(MANOJ BAJAJ)**
ramesh **JUDGE**

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

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