

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

CRM-M-43261-2021

Date of Decision:-16.12.2021

Gopal Dass @ Romi.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Dinesh Mahajan, Advocate for the Petitioner.

Mr. H.S. Sullar, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The 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 the date of his arrest.

The contents of the FIR, as noticed by the Additional Sessions Judge-I, Pathankot in his order dated 21.09.2021, are as under:-

“ Brief facts of the case are that the FIR was registered on the statement of complainant Hem Raj that on 12.07.2021, complainant was going to his village after closing his shop in Activa bearing no.PB-35-M-3674. At about 7.10 PM, when he reached his bridge of village near Gujran Da Dera, then Lalit Kumar armed with baseball bat, Dikshant @ Sanju armed with hockey, Panku and Bijju were empty handed were 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 hit 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 first blow to the complainant. Complainant was rushed to the Civil Hospital, Pathankot. The complainant 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 the 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.

Learned Counsel for the petitioner also states that the similarly situated co-accused of the petitioner, namely, Lalit Kumar @ Nanu has been granted the concession of regular bail by this Court vide order dated 5.10.2021 Annexure P-2 and the case of the petitioner is on a similar footing.

On the other hand, learned State counsel, assisted by ASI Ram Lal, does not dispute the above facts and submits that the petitioner has been attributed injury with a hockey on the left arm of the victim. He has produced the custody certificate by way of affidavit of Mr. Navinder Singh, PPS Deputy 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 to consume considerable time, the further detention of the petitioner is not warranted. Further 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 to express any opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner- **Gopal Dass @ Romi** 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.

(JASJIT SINGH BEDI)
JUDGE

December 16, 2021
Vinay

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