

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-44859-2021

Date of decision : 02.11.2021

Munish Kumar @ Monu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arihant Jain, Advocate and
Mr. Varun Jain, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

The present petition is filed under Section 439 Cr.P.C. seeking grant of regular bail in case FIR No.9 dated 04.02.2021, registered under Sections 307, 323, 354, 120-B and 34 of the Indian Penal Code, 1860, at Police Station Garhshankar, District Hoshiarpur.

The present FIR was registered on the statement of Tamanna, wherein she has alleged that her marriage took place 2 years ago with Sunny Kumar and after sometime, the in-laws started harassing her for bringing inadequate dowry. She alleged that on 23.01.2021, when she was alone in the house, a scuffle took place between her and the petitioner, who is her Devar in relation. Being annoyed from the abuses given by the complainant, the petitioner gave hammer blow a number of times on the head of the complainant. As a result, she suffered injuries and the present FIR was lodged for taking the legal action against the accused.

Learned counsel for the petitioner has submitted that the

occurrence in question took place on 23.01.2021 whereas the FIR in question was registered on 04.02.2021. He submits that the allegations in the FIR are totally after thought and have been levelled only to conceal the real cause of the occurrence.

Learned counsel for the petitioner has also drawn the attention of this Court to the MLR issued by the PGI, Chandigarh. He has relied upon the noting given in the MLR wherein the assault by the unknown individual has been found to be mentioned. He submits that the petitioner is behind the bars since 14.04.2021. He further submits that the petitioner is a young man and the investigation in the case has already been completed. The matter being family dispute, the incarceration of the petitioner is totally unwarranted. He, therefore submits that the petitioner deserves the concession of bail.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner. She submits that there are specific allegations against the petitioner who has given hammer blow on the head of the victim and the injury was declared to be grievous in nature. She has further submitted that the investigation in the case is already complete. Challan has been presented and now the case is fixed for framing of the charge.

I have heard learned counsel for the parties and perused the record.

There are factual aspects of the case that the occurrence in question took place on 23.01.2021 whereas the FIR was registered on 04.02.2021. The investigation already stands completed as the challan has been submitted.

In the overall facts and circumstances of the case and without commenting on the merits of the case, the Court finds that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner as the trial of the case will take sufficient time to conclude. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

02.11.2021
D.Bansal

(RAJESH BHARDWAJ)
JUDGE

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