

207) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51669-2021
Date of decision-15.12.2021

Rajesh @ Raj

....Petitioner

Vs.

State of Punjab

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

SANT PARKASH, J.(ORAL)

Petitioner prays for grant of regular bail in FIR No.110 dated 09.11.2018, registered under Sections 341, 323 read with Section 34 of the Indian Penal Code Section 308 IPC added later on), at Police Station S.G.N. Dev Thermal Plant, District Bathinda.

The brief facts of the case of prosecution is that the present case was registered on the statement of Leela Ram to the effect that he is doing the work of shoes polish. On 07.11.2018 at about 10.00 P.M., he was present in his home, then his neighbours Rahul and Sanjay started bursting crackers in front of his house. He stopped them from doing so due to demise of his relatives. Sanjay stopped him and stated that he would taught a lesson to him for stopping him for bursting crackers. Sanjay was in drunken condition and he gave an iron rod blow on the back side on the head of the complainant-Leela Rama. One Dalip, Rajesh (present petitioner) and Sanjay also gave beatings to him. In the meantime, one Vinodh also came at the spot and they also gave beating to the complainant. In the fight, Rahul also received injuries. Thereafter, people gathered at the spot and accused fled away from the spot. He was admitted to Civil Hospital, Bathinda, from where he

was admitted to Neuron Spine Trauma Centre, Namdev Road, Bathinda, where surgery of his head was done.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, although he has committed no offence. No specific injury is attributed to the petitioner. He further submits co-accused of the petitioner, namely Sanjay to whom an injury attracted in the provisions of Section 308 IPC has been attributed, has already been released on regular bail by this Court vide order dated 01.04.2019 passed in CRM-M-13865 of 2019. Furthermore, the petitioner is in custody since 05.11.2021, and investigation in the case is complete and challan stands submitted in the Court. Therefore, further detention of the petitioner may not be justified.

Learned counsel for the State opposes the prayer of the learned counsel for the petitioner and submits that the injury suffered by the victim was declared as dangerous to life by the doctor on 16.11.2018. However, it is not disputed that the investigation of the case is complete and challan has been presented before the Court.

I have heard the learned counsel for the parties and perused the case file.

It is admitted fact that the petitioner is in custody since 05.11.2021 and co-accused of the petitioner, namely Sanjay, to whom an injury attracted in the provisions of Section 308 IPC has been attributed, has already been released on regular bail by this Court as well as investigation in the case is complete and challan stands submitted in the Court. Therefore, no useful purpose would be served by keeping the petitioner behind bars. Moreover, conclusion of the trial will take some time to conclude.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered as appropriate to

release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate.

The petition is allowed.

(SANT PARKASH)
JUDGE

15.12.2021

Anjal

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