

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

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CRM-M-753-2022

Date of decision: 14.01.2022

RAJINDER

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 107 dated 02.08.2021 registered under Sections 307, 452, 148, 149 and 506 of the Indian Penal Code, 1860 at Police Station Naya Gaon, District SAS Nagar.

As per the case of the prosecution, the complainant had some dispute with his neighbours namely Ajay, Vijay and Vaneet as the electric wire installed in his house was touching to their house. The above said accused persons along with unknown accomplices forcibly entered the house of the complainant and had caused injuries to the complainant, his son and wife. On raising of hue and cry by them, the accused persons fled away from the spot while giving threats of life.

The petitioner has been nominated as an accused on supplementary

statement of complainant/injured Pawan Kumar.

Custody Certificate of the petitioner has been sent by learned State Counsel through e-mail, print out of which is taken on record.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The petitioner was not named in the FIR and has been nominated as an accused on the basis of disclosure statement of co-accused. The head injury on the person of injured Pankaj Kumar which has been declared as dangerous to life is not attributed to the petitioner and the petitioner is accused for having caused simple injury. Nothing is to be recovered from the petitioner. The petitioner is in custody since 18.08.2021 and trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel opposed the submissions of learned Counsel for the petitioner and has submitted that there are specific allegations against the petitioner in the present FIR. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, the head injury on the person of injured Pankaj Kumar which has

declared as dangerous to life is not attributed to the petitioner, the period of his custody, nothing is to be recovered from the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.01.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No