

215 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-366 of 2022(O&M)

Date of Decision: 08.09.2022

Rajan @ Raja @ Goli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Anil Kumar Garg, Advocate
 For the petitioner.**

Mr. Jaspal Singh Guru, AAG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 77 dated 22.04.2021, registered under Sections 324 read with Section 34 IPC at Police Station Division No.6, District Police Commissionerate Ludhiana, to which Section 307 IPC was added lateron.

The counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The counsel for the petitioner further submits that as per the allegations recorded in the FIR, petitioner gave iron rod blow on the head of complainant Daljit Singh at the time of the alleged occurrence. The counsel for the petitioner while referring to medico legal report dated 17.04.2021 (Annexure P-1), submits that as per the said report one incised wound was found on the left side of parietal occipital region of the head of the complainant, meaning thereby that the said injury was caused with sharp edged weapon. The counsel for the petitioner further submits that as per the copy of initial assessment form of Arora Neuro Centre of

Ludhiana dated 17.04.2021 blow was given on the head of the complainant with blunt object by unknown person. That all these circumstances create doubt regarding the story put forth by the prosecution. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 01 year and 02 months and is not involved in any other criminal case and that after filing of the challan the case has not been committed to the Court of Sessions by the Court of Illaqa Magistrate as is evident from order dated 12.08.2022, the reason being that some of the co-accused are absconding. The counsel for the petitioner further submits that even after the commitment of the case it will take considerable time for the trial to conclude, so prayer is made for grant of regular bail to the petitioner.

The present petition is resisted by the State counsel who submits that serious allegations are there on the record and that petitioner gave blow of iron rod on the head of the complainant and the injury has been fully described in MLR Annexure P-1. However, the State counsel has not refuted the fact that the case has not been committed to the Sessions Court by the Court of Area Magistrate, till date.

I have considered the submissions made by learned counsel for the parties.

The FIR in the present case was registered on 22.04.2021 against the petitioner and two other persons with regard to the occurrence dated 17.04.2021. As per the allegations appearing on record the petitioner lifted one pipe which was lying at the ground and gave its blow on the head of the complainant. The counsel for the petitioner has brought to the notice certain inconsistencies in the medical record relating to the said head injury, stated to have been caused by the petitioner. As per the custody certificate

furnished by the State counsel the petitioner is in custody for the last more than 01 year and 02 months and is having no criminal antecedents. From the perusal of copy of order dated 12.08.2022 passed by the Court of Judicial Magistrate Ist Class, it appears that till date the case has not been committed to the Court of Sessions by the Illaqa Magistrate. Even after the commitment of the case it will take considerable time for the trial to terminate. In these circumstances this Court is of the view that no purpose is going to be served by further prolonging the judicial incarceration of the petitioner.

In view of the above, no purpose is going to be served by detaining the petitioner in custody for any longer period. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

08.09.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No