

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1262-2022 (O&M)

Date of Decision:- 25.3.2022

Subhash @ Subash and another

.... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Piyush Setia, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Hansraj.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered against them vide FIR No.152, dated 17.10.2020, Police Station Bahawala, District Fazilka, under Sections 341, 323, 506, 325, 308, 34 IPC.
2. The FIR was lodged at the instant of Balwinder Kumar wherein it is alleged that on 12.10.2020, when he along with his uncle Sadhu Ram and his friend Pankaj Kumar were returning home from their fields, they were waylaid by Jasveer Singh who was armed with iron rod, Bajrang, Baj and Subhash, all armed with '*Dang*' alongwith other two unidentified persons. It is alleged that Jasveer Singh raised *lalkara*

exhorting his companions to teach the complainant and others a lesson for having uploaded a story against them on Facebook. Jasveer Singh is alleged to have inflicted a blow with iron rod, hitting the complainant below his eyes. Bajrang is stated to have inflicted an injury with '*Dang*' on the nose and forehead of the complainant. Complainant was also given beatings when he fell down. It is also alleged that the accused also scuffled with Pankaj Kumar and with complainant's uncle Sadhu Ram. When they raised alarm, the accused ran away from the spot.

3. Learned counsel for the petitioners has submitted that even if the allegations as levelled in the FIR are taken to be correct, no specific injury is attributed to either of the petitioners and that it is the co-accused Jasveer and Bajrang who are alleged to have inflicted injuries to the complainant. Learned counsel has submitted that investigation is already complete and in these circumstances they are not required to be detained for any useful purpose.
4. On the other hand, learned State counsel has submitted that since the petitioners are specifically named in the FIR and were accompanied by the two accused who inflicted injuries, no case for grant of bail is made out. Learned State counsel has informed that the petitioners as on date have been behind bars for a period of approximately 4 months and that although challan has been presented, but charges are yet to be framed and as many as 18 PWs have been cited. It has been informed that none of the petitioners is involved in any other case.
5. I have considered rival submissions addressed before this Court.

6. A perusal of FIR would show that it is co-accused Bajrang and Jasveer, both non-applicants, who are attributed injuries and the petitioners though armed with '*Dang*' are not specifically alleged to have caused injury. The petitioners otherwise have a clean record and are not stated to be involved in any other case. The petitioners have been behind bars for a period of about 4 months. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced and as many as 18 PWs have been cited. In these circumstances, further detention of the petitioners is not justified. The petition, as such, is accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.3.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No