

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

CRM-M-7983 of 2022(O&M)

Date of Decision: 15.07.2022

Rajesh Kumar @ Rajesh Mishra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Ranjit Singh, Advocate
For the petitioner.**

Ms. Samina Dhir, DAG Punjab.

KARAMJIT SINGH, J.

States report by way of affidavit of DSP, Kharar-I as well as custody certified filed today in Court are taken on record.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No. 293 dated 06.08.2021, registered under Sections 302, 307, 323, 325, 326, 148, 149, 120-B IPC at Police Station City Kharar, District SAS Nagar.

The counsel for the petitioner contends that although the petitioner has been named in the FIR, there are no allegations that he caused any injury to deceased Rakesh Kumar. The only allegation against the petitioner is that he caused injury to the complainant Jitender Kumar with iron rod. The counsel for the petitioner further contends that as per the custody certificate furnished by the State counsel the petitioner is in custody for the last more than 11 months and is not involved in any other criminal case. The counsel further contends that after completion

of investigation the police has already presented the challan and it will take considerable time for trial to conclude after the framing of charges. So, prayer is made that the petitioner be released on regular bail.

The present petition is contested by State counsel who submits that FIR in the present case was registered on the basis of statement of Jitender Kumar with regard to murder of Rakesh Kumar and the petitioner was named in the said FIR. The State counsel further submits that police has presented the challan against the accused persons and now the case is fixed for framing of charges and trial is yet to begun. The State counsel further submits that at this earlier stage no ground is made out to grant concession of regular bail to the petitioner.

I have considered the submissions made by learned counsel for the petitioner as well as learned State counsel.

Admittedly, the petitioner has been named in the FIR. However, the State counsel failed to show that any specific injury caused to deceased Rakesh Kumar by the present petitioner, is described in the FIR. As per the allegations in the FIR it appears that the petitioner was armed with iron rod and he caused injuries to the complainant at the time of the occurrence. The complicity of the petitioner in the murder of Rakesh Kumar is to be unfolded during the trial. As per the status report filed on behalf of the State, investigation has been completed and challan is also presented and now the case is fixed for framing of charges. Even after framing of charges it will take considerable time for the trial to conclude. The petitioner is already in custody for the last about one year as is clear from the custody certificate furnished by the State counsel and

the petitioner is having no criminal history. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any longer period.

In view of the above, without commenting on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate concerned.

15.07.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**