

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

203

CRM-M-8461-2022

Date of Decision: 04.03.2022

Manoj Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gaurav Partap S. Pathania, Advocate for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

Mr. Arvind Kashyap, Advocate
for the complainant.

HARINDER SINGH SIDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No.0016 dated 03.02.2022, under Sections 307, 323, 324, 506, 148, 149 IPC, registered at Police Station Division No. 2, Pathankot.

FIR was registered on the complaint of one Vijay Kumar, former member of the Municipal Committee, Pathankot. He stated that on 02.02.2022 a meeting of local BJP workers was organized at Daulatpur Dhaki at 7:00 p.m. The petitioner and other accused had threatened since morning that they would not allow the BJP to organize a function in the *Mohalla*. It is alleged that at about 6:00 p.m. the accused came to the spot armed with deadly weapons. They started throwing chairs and abusing the BJP workers. It is alleged that Vinod Kumar and Manoj Kumar (petitioner) were armed with *dattar*;

Sanju and PoPo were armed with baseballs; Abhi was armed with an iron rod; Gosha was armed with Kirpan; Nakul, Gulshan and Gandhi were armed with iron rod. There were 20-30 unknown persons variously armed. Vinod Kumar raised lalkara that the BJP workers be not spared. Gopi inflicted a *dattar* blow on the left eyebrow of Manish; Londi caused *dattar* blow on the head of Raj Kumar; Gosha inflicted a *kirpan* blow on the right eye and upper lip of Puneet Sharma; Sanju hit with the base ball on the head of Puneet; Popo and Gandhi gave iron rod blows on the right eyebrow of Raj Kumar; Popo gave a baseblow on the right side cheek of Manish. The assailants also gave fist and kick blows to the BJP workers who have gathered there. Thereafter ran away from the spot.

Learned counsel for the petitioner has argued that four people were injured in the alleged incident. The injuries sustained by them are all simple in nature. The petitioner had not been attributed any specific injury. The petitioner is in custody since 03.02.2022. the alleged incident is related to the elections, which are already over. He also states that the petitioner has clean antecedents.

In view of the above and the fact that the trial is unlikely to conclude in near future more so in the wake of outbreak of pandemic COVID. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Accordingly, without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner-Manoj Kumar is ordered to be released on bail subject

to his furnishing bail bonds and surety bonds to the satisfaction of the
trial Court/Duty Magistrate, Chief Judicial Magistrate, concerned.

[HARINDER SINGH SIDHU]
JUDGE

March 04, 2022
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no