

227 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10796-2022

Decided on: 17th March, 2022

Eib Khan

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. Due to COVID-19 situation, the Court is convened through video conference.
2. Petitioner is seeking regular bail in FIR No. 322, dated 27th December, 2021, under Sections 341/ 323/ 148/ 149 of IPC, 1860 and offence under Section 307 of IPC, 1860 added later on vide GD No. 25, dated 8th January, 2022, registered at Police Station City Muktsar Sahib.
3. As per the case set up, on 25th December, 2021, complainant-Shahid Kumar was inflicted an injury on the head by Sameer who was armed with Kapa. As per the allegations in the FIR, Eib Khan (petitioner) was armed with Khanda, no specific injury attributed to the petitioner. The report was stated to be objection, however, in the FIR Section 379-A, 379-B was not invoked, later Section 307 was added.
4. Learned counsel for the petitioner submits that it is a case of false implication. Petitioner is in custody since 8th January, 2022, no specific injuries attributed to the petitioner, no further recovery is to be

made and two co-accused were granted anticipatory bail.

5. Learned State counsel opposes the prayer for grant of regular bail and submits that there is a complainant sustained an injury on the head which was declared dangerous to life. However, he is not dispute the fact that as per the FIR the said injury is attributed to Sameer. He further submits that petitioner is involved in eight more cases.

6. Without commenting upon the merits of the case, considering the nature of allegations against the petitioner, that no specific injury is attributed to him, no further recovery is to be made from him, co-accused were granted anticipatory bail and conclusion of the trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

17th March, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No