

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

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**CRM-M No. 17116 of 2022
Date of Decision: 29.08.2022**

**RAVI KUMAR @ JAIDEEP SINGH
Vs**

.....Petitioner

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. J.S.Dadwal, Advocate
for the petitioner.

Mr.R.S.Pandher, Sr.DAG, Punjab.

Mr.Sanjeev K.Virk, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C, in his fourth attempt, in case bearing FIR No.0053 dated 13.05.2019 registered under Sections 323, 341, 325, 326, 307, 427, 506, 148 and 149 IPC and later on added Sections 181 and 192 of the Motor Vehicles Act at Police Station Meharban District Ludhiana. Earlier petitions for grant of bail to the petitioner were got dismissed as withdrawn except CRM-M No.20926 of 2021, which was dismissed at that stage.

Allegations are that petitioner, who was driving the tractor, struck the same against the motorcycle of the complainant and then again ran over his tractor on the complainant with an intention to kill him. The motorcycle of the

complainant was dragged along with the complainant. On the asking of Kamal Kumar, who was also sitting on the tractor, petitioner again ran over the tractor in order to finish the complainant. The complainant was hospitalized on 12.05.2019 and twelve injuries were found on his person. Injury No.11 was found to be dangerous to life. Injury No. 11 has been described in parts i.e. *'right hemoneumothorax; ground glass opacities with air space opacification in right lung field and left lower lobe likely lung contusion; undisplaced fracture of neck of first rib bilaterally and segmental displaced fracture of right 2nd, 3rd, 4th, 5th ribs in posterior aspect with undisplaced fracture of 6th rib'*. Injuries No.6 and 12 were found to be grievous in nature.

Learned counsel for the petitioner submits that the petitioner was arrested on 06.07.2017 and since then he is in custody for the last more than three years and one month. Now the application under Section 319 Cr.P.C. filed by the complainant is pending for 23.09.2022. The aforesaid application came to be filed only after examination of the complainant in his chief and the complainant is yet to be cross-examined on the date fixed. Out of 15 prosecution witnesses, no other witness has been examined so far. Trial in any case will take long time to conclude. Complainant was hospitalized on 12.05.2019 and discharged after nine days from his

admission i.e. on 21.05.2019.

Per contra, learned State counsel, duly assisted by learned counsel for the complainant, submits that the injury No.11 was found to be dangerous to life and the same is attributed to the petitioner, who not only struck his tractor against the motorcycle of the complainant, but thereafter, made 3-4 attempts to crush the complainant under the wheels of the tractor.

Having considered the arguments of learned counsel for the parties and without forming any final opinion on the merits of the case, I deem it appropriate to consider the period of custody as of now to be a ground for granting regular bail to the petitioner. The trial of the case, in my opinion, will take long time as the application under Section 319 Cr.P.C. is fixed for 23.09.2022. Thereafter, the trial shall proceed in accordance with law for the examination of the remaining prosecution witnesses, who are 15 in number. Petitioner has no antecedent behaviour of criminal activity except FIR No.142 dated 23.06.2017 registered under Sections 323, 324, 341, 506, 148 and 149 IPC at Police Station Meharban District Ludhiana.

In view of above, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing

adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

August 29, 2022
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No