

247

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.16933 of 2022 (O&M)

Date of decision: 02.05.2022

Asgar Ali

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.180 dated 02.07.2021, for offence punishable under Sections 323, 324, 341, 307, 506, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Haibowal, District Ludhiana.

Counsel for the petitioner has relied upon the order dated 09.02.2022 passed in CRM-M No.43471 of 2021, vide which the co-accused of the petitioner namely Ahsaan was granted the concession of regular bail as he has volunteered to pay Rs.50,000/- to the victim/injured Pardeep Kumar, towards his medical expenses. The operative part of the said order, reads as under:-

“Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Pradeep Kumar that he had gone to meet his friend Ranjit Singh, who was having a dispute with Abdul Matin and

when the petitioner tried to intervene, Abdul Matin and his sons namely Asnain and Ahsaan (petitioner herein) started abusing him and giving him beatings. It is further stated in the FIR that Asnain was holding a kirpan in his right hand, gave a blow on his head, which hit below his right ear and cut-off the part of ear and his companions, who were holding weapons also gave injuries to him on arms, face and legs.

Counsel for the petitioner has also submitted that the injury invoking Section 307 IPC is attributed to his brother Asnain and no specific injury is attributed to the petitioner – Ahsaan. It is also argued that the petitioner is a first offender and he is in custody since 02.07.2021 and the investigation is complete and conclusion of the trial will take some time.

Counsel for the petitioner has further submitted that the petitioner, without prejudice to his right of defence, is ready to hand over a demand draft of Rs.50,000/- to the victim/injured Pradeep Kumar, towards his medical expenses.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is also not disputed that the petitioner is in custody since 02.07.2021.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 02.07.2021; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

This will however, be subject to the condition that at the time of furnishing bail/surety bonds, the petitioner will hand over a demand draft of Rs.50,000/- favouring the victim- Pradeep Kumar towards his medical expenses, without prejudice to his right of defence.”

Counsel for the petitioner has submitted that though the petitioner was not named in the FIR and his name surfaced in the disclosure statement of the co-accused, however, he is also ready to hand over a demand draft of Rs.25,000/- to the victim/injured Pardeep Kumar towards the medical offences. It is also submitted that the petitioner is in custody for the last 04 months and he is not involved in any other case and investigation is complete.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 04 months; the co-accused of the petitioner is already released on bail; he is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

This will however, be subject to the condition that at the time of furnishing bail/surety bonds, the petitioner will hand over a demand draft of Rs.25,000/- favouring the victim/injured – Pradeep Kumar towards his medical expenses, without prejudice to his right of defence.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

02.05.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No