

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

CRM-M-17078-2022

Date of Decision: 05.08.2022

RAJAT SHARMA @ RAJAT KUMAR @ LITCHI

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

VIVEK PURI J. (Oral)

Custody certificate filed and the same is taken on record.

This is first petition under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No. 20, dated 24.02.2022, under Sections 307, 324, 323, 379 and 34 of the Indian Penal Code, 1860, (Section 354-A IPC added later on) registered at Police Dhariwal, District Gurdaspur.

Briefly, the allegations against the petitioner and the co-accused are to the effect that on 22.02.2022, they had passed on comments against the fiance of Sukhdeep Singh complainant. Karan Singh @ Sherry inflicted kirch blows on the right cheek and chest of the complainant. The petitioner inflicted two kirch blows on the right and left hip, Nitesh Handa inflicted kirch blows above the left thigh

and Rohit Handa inflicted kirch blows from handle side on the left eye-brow. Furthermore, the petitioner took away the golden chain from the neck of the complainant.

Learned counsel for the petitioner contends that the injury under Section 307 IPC has not been attributed to the petitioner. The injuries under Section 323 have been attributed to him. Two of the co-accused namely Nitesh Handa and Rohit Handa have been granted concession of anticipatory bail. The petitioner is in custody for a period of about 5 months and 3 days and not involved in any other case. The injured has been discharged from the hospital.

Learned State Counsel and learned counsel for the complainant have opposed the application for regular bail on the score that there are allegations with regard to theft of golden chain also levelled against the petitioner and the material witnesses are yet to be examined.

Be that as it may, it has not been disputed that the golden chain has not been recovered, even during the course of custodial interrogation of the petitioner. His custodial interrogation is over and has been sent to judicial custody. Investigation of the case is complete and challan has been presented in the Court and two of the co-accused are on bail. The injury under Section 307 IPC has not been attributed to the petitioner and injured has been discharged from the hospital. The petitioner is in custody for a period of 5 months and 3 days. The injuries attributed to the petitioner have been declared to be simple in

nature. Conclusion of trial is likely to take some time.

As such, sufficient mitigating circumstances are made out to grant the petitioner, concession of bail. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

05.08.2022
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No