

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

CRM-M-20119-2021
Date of Decision: 07.04.2022

Ravi Kumar @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saurabh Singla, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.235, dated 19.11.2020 under Sections 341, 323, 294, 148 and 149 of IPC, 1860 (Section 307 IPC added later on) registered at Police Station Nangal, District Rupnagar.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 03.01.2021 and there has been a delay in the trial of the case and therefore, he may be considered for the grant of regular bail. He submitted that the other co-accused has been granted bail by the learned Sessions Court and therefore, he may also be considered for the grant of bail.

3. On the other hand, learned State counsel has submitted that it is case where the complainant/injured was called near the river and the petitioner along with other co-accused had also come there and they were having liquor bottles and other materials to eat then they consumed some alcohol and made

petitioner namely, Ravi Kumar abused him and thereafter altercation took place between them and all the persons gathered together on one side and started walking towards his mother's parents house and thereafter all the accused persons insulted him and started manhandling him and all of a sudden the petitioner Ravi Kumar picked up his knife from his waist and then gave three blows on the injured which hit his abdomen. Learned State counsel has submitted that the argument raised by the learned counsel for the petitioner that he is at parity with the other co-accused is not available with the petitioner because the petitioner is the main accused and is not at parity with the other co-accused.

4. I have heard the learned counsel for the parties.

5. Learned counsel for the petitioner has raised the argument pertaining to delay in trial and this Court has sought report from the learned trial Court in this regard. Report has been received from the Additional Sessions Judge, Rupnagar, wherein it has been submitted that commitment order in the present case was passed on 28.02.2022 and thereafter the same was entrusted to the Court of Additional District and Sessions Judge for 14.03.2022 and thereafter charges have been framed on 30.03.2022 without any delay. Therefore it cannot be said that there had been a delay on the part of the prosecution. The argument raised by the learned counsel for the petitioner that he is at parity with the other co-accused is also not sustainable in view of the facts and circumstance of the present case wherein the petitioner had allegedly given three knife blows on the injured.

6. Since the charges have only been framed on 30.03.2022 and no prosecution witness has been examined including the complainant, who is the material witness in the present case and therefore, considering the aforesaid facts and circumstances and the gravity of the offence, this court does not

deem it fit and proper to grant regular bail to the petitioner, at this stage.
Consequently, the present petition is dismissed.

7. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

April 07, 2022
Manpreet

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