

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

CRM-M-20414-2022(O&M)

Date of decision: 31.05.2022

Tinku Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kunal Kapoor, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 36 dated 05.03.2021, registered under Sections 323, 324, 506, 326, 148, 149 IPC, (Section 326 IPC added later), at Police Station Tanda, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the injury attributed to the petitioner is on the right elbow of the complainant, which is on the non-vital part; that in another case, the petitioner is on bail and that the petitioner has been in custody for the last more than 09 months.

He further submits that Sharanjit Singh @ Gheesa (attributed *gandasa* blow) and Arshjit Singh @ Rahul @ Padda, (attributed *Kirpan* blow), were found innocent during the inquiry.

Learned State counsel, while vehemently opposing the prayer for

bail submits that the petitioner has given a *datar* blow towards the head of the complainant, but somehow, he saved his head and received injury on the right elbow. There are as many as 11 injuries on the person of the complainant. However, he does not dispute the custody period of the petitioner and the fact that the injury attributed to the petitioner is on the non-vital part of the complainant. He submits that charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 09 months. The injury attributed to the petitioner is on the non-vital part of the complainant. During inquiry two persons were found innocent. The charges are yet to be framed. The prosecution witnesses, including the complainant, are yet to be examined. The conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

31.05.2022
Mangal Singh

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