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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19947-2022
Date of Decision:17.05.2022

Vasudev @ Totti Baba

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vivek Aggarwal, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.40 dated 18.03.2022, under Sections 323, 324, 506 and 34 of IPC (Section 308 IPC added later on), registered at Police Station Division No.7, Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 18.03.2022 which is almost 2 months and investigation of the case has been completed and challan has been presented before the learned trial Court. He further submitted that the petitioner was falsely implicated in the present case and in fact he also lodged DDR against the complainant but the police has not registered FIR in that case.

He further submitted that since the investigation of the case has been

completed, he may be considered for the grant of regular bail. He further submitted that the other co-accused namely Buta Ram @ Bittu has been granted interim anticipatory bail by this Court and other co-accused namely Parasmani who is son of the petitioner has also been granted regular bail by the learned trial Court.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it is a case where the petitioner is the main accused in the offence. He further submitted that as per the allegation although the petitioner was a tenant but when the daughter of the complainant was standing outside the shop, then he insulted her and pushed her and thereafter gave beatings to the complainant with the result of which one serious injury was caused on the head of the complainant. The said injury was caused by way of an iron rod and thereafter Section 308 IPC was added. The injury was also declared as dangerous to life by the doctor. He further submitted that the petitioner is not entitled for the grant of regular bail as none of the witnesses has been examined till date and the petitioner is in custody for about two months only. He further submitted that the petitioner does not have any clean antecedents and he is also involved in other case pertaining of similar nature and has therefore prayed for dismissal of the bail application. He further submitted that the petitioner is not at parity with the other co-accused who have been granted bail.

I have heard the learned counsel for the parties.

The petitioner is in custody for about two months only. No prosecution witness has been examined. The allegations against the petitioner were that he insulted the daughter of the complainant and thereafter hit the complainant with the iron rod on the head and the injury

was declared dangerous to life by the doctor. So far as the parity with the other co-accused is concerned, the petitioner is not at parity with the other co-accused because as per the allegations the petitioner is the main accused who had hit the complainant.

Therefore, in view of the aforesaid facts and circumstances, this Court is of the view that the petitioner is not entitled for the grant of regular bail.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.05.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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