

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20384 of 2022 (O&M)

DECIDED ON:18th May, 2022

Nasib Khan

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. G.S. Sandhu, Advocate for petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No. 322, dated 27.12.2021, under Sections 341/ 323/ 148/ 149 of IPC, 1860 and offence under Section 307 of IPC, 1860 added later on vide GD No. 25, dated 8.1.2022, registered at Police Station City Sri Muktsar Sahib.

As per the case set up, on 25.12.2021, Sameer armed with *Kapa* inflicted injury on the head of the complainant. As per the allegations in the FIR, Eib Khan was armed with *Khanda*. The petitioner was armed with *sword*, and he along with Keku caught hold the complainant his arms. The *sword* was recovered from the petitioner.

Learned counsel for the petitioner submits that it is a case of false implication. The petitioner is in custody since 5.3.2022. No specific injury is attributed to the petitioner. No recovery is to be made. Co-accused were granted anticipatory bail and regular bail.

Learned State counsel opposes the prayer and submits that the petitioner is habitual offender and is involved in 13 more FIRs. However, learned State counsel on instructions is not disputing the fact that the injury declared dangerous to life is attributed to Sameer.

Without commenting upon the merits of the case, considering the nature of allegations against the petitioner and that no specific injury is attributed to him, no further recovery is to be made from him, co-accused were granted anticipatory bail and regular bail, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

18th May, 2022
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>