

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

212

CRM-M-21352-2022 (O&M)
Date of Decision: 23.05.2022

MEGH NATH KUMAR AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioners in case bearing FIR No.35, dated 24.02.2022 under Sections 307, 341, 506, 148 and 149 of the Indian Penal Code, 1860 (Section 427 of the IPC added later on), registered at Police Station Daresi, District Ludhiana.

Learned counsel for the petitioner *inter alia* contends that the FIR in question was registered on the statement of one Ravinder Singh son of Bishan Dass, who had alleged that he is doing the work of Hosiery at Ludhiana and that one Deepak son of Hira Lal alongwith his brother-in-law Sahib Shah is living in the adjacent house. The said persons were playing deck (tape recorder) in a loud voice and thus creating nuisance which was objected to by the complainant and other neighbours but they did not pay any heed to it. When such incident was repeated again on 23.02.2022, at about 09.15 p.m., the complainant alongwith certain other persons of the

locality went to the house of the accused to sensitize them about the issue. On being asked to lower the volume, the injured Deepak and Sahib Shah started abusing the complainant and other residents of the locality and accordingly, they opened attack. It is contended that the petitioners namely Megh Nath, Shesh Nath and Panne Lal were alleged to be armed with *Saria* while petitioner Gautam Kumar was not armed with any weapon. Learned counsel further submits that as per the case of the prosecution, the petitioners had not caused any injury and were present at the gate only. Learned counsel contends that the injury attracting Section 307 of the IPC has also been determined as simple one, but Section 307 of the IPC has been attracted only on the account of the seat of the injury i.e. back side of the neck. He contends that the said injury was attributed to Deepak Kumar, whose arrest has already been stayed by this Court vide order dated 17.05.2022 passed in CRM-M-18765-2022 titled 'Deepak Kumar Vs. State of Punjab'. Learned counsel further points out that investigation qua the petitioners is already complete and that only the simple injuries have been attributed to them.

Learned State counsel does not dispute the abovesaid factual matrix. It is not denied that the investigation qua the petitioners is already complete and the petitioners have been in custody since 24.02.2022. It is also not in dispute that the petitioners do not have any other criminal case pending against them and also they do not suffer from any criminal antecedents.

Taking into consideration the circumstances noticed above and the period of custody already undergone by the petitioners, as also the fact that the investigation in the present case is already complete and recovery already stands effected from petitioners, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioners are admitted to regular bail subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

It is made clear that the petitioners will not extend any threat and will not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

23.05.2022

rajender

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*