

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23546-2022
Decided on : 01.06.2022

Deepak Kumar Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.89 dated 15.08.2021 under Sections 354-A, 323, 506 IPC and Section 8 of POCSO Act registered at Police Station Taragarh District Pathankot.

Learned counsel for the petitioner *inter alia* contends that a totally fabricated version has been brought forth in the FIR in question (Annexure P-1) registered at the instance of the mother of the alleged victim, aged 16 years. He submits that admittedly the petitioner and the complainant were residing in the same neighbourhood and a dispute was going on between them on account of some bricks having been strewn in front of their respective houses. He further submits that it was on account of on-going dispute and animosity between the parties, totally false allegations which find reflected in the FIR had been levelled against the

petitioner. He still further submits that in fact it is the complainant party, which attacked the petitioner and inflicted serious injuries on his head and other parts of his body, as a result 9 stitches were put on his head. He was soon after the occurrence in question taken to CHC Narot Jaimal Singh. While drawing the attention of this Court to the MLR of the petitioner (Annexure P-3) , learned counsel submits that the injuries received by the petitioner in the occurrence find duly detailed therein. He submits that the injuries received by the uncle of the alleged victim namely Sohan Singh, on the other hand, were simple in nature. In support of his submissions, he has drawn the attention of this Court to the MLR of Sohan Singh (Annexure P-5). He submits that since both the material witnesses i.e. victim and the complainant have been examined and 12 prosecution witnesses remain to be examined, the petitioner be extended the concession of bail as his further incarceration would serve no useful purpose. He also submits that the petitioner is not involved in any other criminal case.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions submits that specific allegations have been levelled against the petitioner in the FIR to the effect that he tried to pull the complainant's daughter towards him by holding her hand and telling her that he wanted to kiss her, and thereafter had been threatening her of dire consequences. He, has, however, not disputed that in the occurrence in question the petitioner had indeed suffered serious injuries and on the other hand, uncle of the victim had received only simple injuries. Learned State counsel, however, submits that the victim and the complainant while stepping into the witness box reiterated the allegations

levelled against the petitioner.

Heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 16.08.2021 and the complainant and the victim, who are the material witnesses in the case, already stand examined. The trial would take considerable time to conclude as 12 prosecution witnesses remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

01.06.2022

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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No