

CRM-14392-2022 in/and
CRM-M-27990-2021 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-14392-2022 in/and
CRM-M-27990-2021 (O&M)
Date of Decision:28.04.2022

Manoj Kumar

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Monita Mehta, Advocate for applicant-petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-14392-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Dhruv Dayal, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-27990-2021 (O&M)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.250 dated 31.10.2020 registered under Sections 307, 336, 323, 148, 149 and 34 Indian Penal Code, 1860 and Sections 25, 27 and 30 Arms Act, 1959 at Police Station Model Town, Hoshiarpur, District Hoshiarpur, who is in custody since his

arrest on 03.11.2020.

The allegations in the FIR as noticed by the Id. Addl. Sessions Judge, Hoshiarpur in the order dated 02.07.2021 are as under:

....present case was registered on the basis of statement made by complainant Karan Kumar with the allegations that on 30.10.2020, after receipt of information regarding attack upon his brother Anoop Kumar @ Vicky and his friend Deepak Kumar and sustaining of head injury by his brother Anoop Kumar @ Vicky, he along with his brother Ajay Kumar, reached the spot on the motorcycle and in the light of motorcycle, he found that there were 7/8 persons standing there and he only identified Raja son of Surjit Kumar and his servant Manoj Kumar. Upon seeing them, Raja raised lalkara for not sparing them. Upon this, out of said persons, one person fired shots from his pistol towards them and two fires hit on his shoulders.....”

Learned counsel for the petitioner has argued that in the occurrence, both sides had suffered injuries and though the name of the petitioner is mentioned in the FIR, but no role has been attributed to him. She has further argued that co-accused of the petitioner, namely, Onkar Lal @ Raja has already been released on regular bail by this Court vide order dated 08.04.2022 and the case of the petitioner is also at par with him. According to learned counsel, the trial is not progressing, as the complainant of FIR, namely Karan Kumar, who is accused in the cross case recorded at the instance of co-accused of the petitioner, is yet to be arrested, therefore, the petitioner be also released on bail.

On the other hand, learned State counsel assisted by ASI Satwinder Singh, does not dispute the above stand of the petitioner that the case of the petitioner is at par with co-accused, who has already been released on bail. He, on instructions, states that charges have been framed on 02.03.2022, but no prosecution witness has been examined so far. It is

witnesses before the trial Court on 19.05.2022.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 02.03.2022, but no prosecution witness has been examined so far, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner has been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

28.04.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No