

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 220

CRM-M-26030-2022

Date of decision : 17.08.2022

Dilshand @ Dilshad @ Noni

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Saqib Ali Khan, Advocate, for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Status report filed by the State, in Court today, is ordered to be taken on the record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.22 dated 27.01.2022 registered under Sections 365, 354, 323, 341, 382 and 34 IPC at Police Station City 1, Malerkotla, District Malerkotla.

The FIR in question is based on a complaint by Razia as per which on 25.01.2022 at about 3 p.m. she was forced into a car by the petitioner and his co-accused and thereafter given beatings. The petitioner and his co-accused are further alleged to have stolen her jewellery and then dropped her at the gate of her house. Thereafter, she took an autorickshaw and got herself admitted in Civil Hospital, Malerkotla at 8 p.m.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 25.04.2022; he has no other criminal case pending against him; the case of the prosecution is that on 25.01.2022, at about 3 p.m., the petitioner alongwith his co-accused kidnapped and gave beatings to the complainant but the complainant's medical record reveals that she got admitted in the hospital on 26.01.2022 at 8 p.m.; the afore delay of 29

hours is not only unexplained but shows falsity in the prosecution's case; investigation in this case is complete and therefore the petitioner is in no position to influence the same; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, no specific role is attributed to the petitioner and that since in the petitioner's trial as on date no prosecution witness has been examined the same will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that the petitioner is accused of kidnapping and beating a lady who is yet to be examined before the Trial Court.

The delay of 29 hours between the alleged beatings given to the complainant and her admission in the hospital shall be debated during the course of the petitioner's trial. Nonetheless, the petitioner is in custody since 25.04.2022; he does not face any other criminal case; investigation in this case is complete; in the FIR in question no specific injury is attributed to the petitioner; in any case, the injuries on the complainant are classified as “simple” and that since in the petitioner's trial as on date no prosecution witness has been examined the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the concerned CJM/Duty Magistrate, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

17.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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