

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CRM-M-27347-2022 (O&M)

Date of decision: - 29.06.2022

Pardeep Kumar @ Julka Kabadia

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.220 dated 03.10.2021, registered under Sections 323, 324 and 34 IPC (Section 326 IPC has been added later on), at Police Station Rama Mandi, Jalandhar.

Learned counsel for the petitioner has submitted that in the present case, the FIR was initially registered under Sections 323, 324 and 34 IPC and the petitioner was released on bail since all the offences were bailable and while on bail, he never misused the concession of bail granted to him and it is after a period of more than 6 months i.e., on 09.04.2022 that Section 326 IPC has been added by virtue of DDR No.35.

It is further submitted that the injury, on the basis of Section 326 IPC has been added, has been attributed to co-accused, namely, Sanampreet Singh @ Sanju. It is further submitted that the injuries attributed to the present petitioner are simple in nature. It is also submitted that the petitioner is in custody since 15.05.2022 and the presentation of the challan and the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that initially in the FIR, the petitioner was attributed injuries on the head as well as on the arm of the complainant and it is only in the supplementary challan that injuries on the arm of the complainant, which were grievous in nature, were attributed to co-accused, namely, Sanampreet Singh @ Sanju instead and thus, as per the case of the prosecution, there are two injuries that have been attributed to the petitioner, which are on the head of the complainant, which is a vital part of the body, although, the same injuries are simple in nature. The other factual aspects however have not been disputed by learned State counsel.

Learned counsel for the petitioner in rebuttal has submitted that the petitioner had also produced on record a video clip before the Additional Sessions Judge, Jalandhar in this regard and it was the case of the petitioner that some unknown persons were seen in the video clip, who were inflicting injuries upon the complainant and the said video clip had not been considered by the Court by observing that the same would be with respect to the merits of the case. It is further submitted that the

petitioner has been implicated on account of there being a money dispute with one Manjeet Kumar, who is a close relative of complainant.

This Court has heard learned counsel for the parties and has perused the paper book.

In the present case, initially the FIR was registered under Sections 323, 324 and 34 IPC and the petitioner was released on bail as the said offences were bailable. The petitioner is stated to have not misused the concession of bail granted to him and it is after a period of six months i.e., on 09.04.2022 that the offence under Section 326 IPC was added vide DDR No.35. It is the case of the prosecution that the said injury attracting Section 326 IPC is attributed to co-accused, namely, Sanampreet Singh @ Sanju and not the present petitioner and the two injuries attributed to the petitioner are simple in nature. The petitioner has been in custody since 15.05.2022 and the presentation of the challan and the trial is likely to take time. The petitioner is stated to be not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, stand disposed of in view of the abovesaid order.

June 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes