

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

**CRM-M-31174 of 2021(O&M)
Date of Decision: 09.08.2022**

Ranjodh Singh @ Yodha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Ranbir S. Sekhon, Advocate
 For the petitioner.**

Ms. Jaspreet Kaur, AAG Punjab.

KARAMJIT SINGH, J.

Short reply by way of affidavit of Deputy Superintendent of Police (Rural), Ferozepur filed by the State is taken on record.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 135 dated 29.11.2020, registered under Sections 307, 295-A, 324, 323, 506, 148 and 149 IPC at Police Station Ghall Khurd, District Ferozepur.

The counsel for the petitioner submits that the petitioner has been falsely implicated in this case. As per the allegations recorded in the FIR, at the time of occurrence the petitioner was armed with 'kappa', co-accused Arshdeep Singh was armed with base ball bat, Satta empty handed and 8-9 other persons armed with different weapons attacked complainant Sukhjinder Singh and his father Gurdev Singh and at that time petitioner gave 'kappa' blow on the head of the complainant which hit near his right

ear. The counsel for the petitioner submits that as per the status report dated 12.05.2022 filed by the State, the aforesaid injury on the head of the complainant was not found to be dangerous to life and rather was declared as grievous in nature. The counsel further submits that in these circumstances it is a matter of evidence as to whether any offence under Section 307 IPC is made out against the petitioner who is in custody for the last more than one year and three months and his having no criminal history.

The present petition is opposed by the State counsel who submits that the petitioner is facing serious allegations and further submits that after completion of investigation challan has been presented but charges are yet to be framed against the petitioner and other accused persons. The contents of the aforesaid reply dated 12.05.2022 have not been denied by the State counsel as per which injury attributed to the petitioner caused on the head of the complainant was found to be grievous in nature and not dangerous to the life.

I have considered the submissions made by learned counsel for the parties.

As per the custody certificate furnished by the State counsel the petitioner is in custody for the last more than one year and three months and is not involved in any other criminal case. As per the allegations in the FIR, the petitioner gave 'kappa' blow on the head of the complainant. As per the reply dated 12.05.2022 the said injury was found to be grievous in nature and there is no opinion that the same was found dangerous to the life of the complainant.

In view of the above, it is a matter of evidence as to whether the aforesaid injury is covered under Section 307 IPC. It will take considerable time for the trial to conclude after its commencement. So, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate concerned.

09.08.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**