

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28223-2022 (O&M)
Date of Decision:- 23.12.2022

Ravinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manu Loona, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Jasvir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks regular bail in a case registered vide FIR No.152, dated 17.10.2020, Police Station Bahawala, District Fazilka, under Sections 308, 325, 341, 323, 506, 148, 149 IPC (Sections 308 and 325 IPC added later on).
2. The FIR was lodged at the instance of Balwinder Kumar wherein it is alleged that on 12.10.2020 when he was returning home along with his uncle Sadhu Ram and his friend Pankaj Kumar, then they were waylaid by Jasvir Singh carrying iron rod, Bajrang carrying '*dang*', Baj armed with '*dang*', Subhash also carrying a '*dang*' accompanied by 2 unidentified persons. It is alleged that Jasvir

Singh raised a *lalkara* exhorting his companions to teach the complainant and others a lesson and inflicted a blow with rod hitting the complainant's nose under the eye. It is alleged that Bajrang inflicted a blow with a stick hitting the nose and forehead of the complainant. When the complainant fell down, the accused inflicted more injuries to him as well as to his friend Pankaj and also to his uncle Sadhu Ram.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and came to be nominated subsequently after about 6 months by way of a supplementary statement of the complainant wherein he has replaced the name of Jasvir with that of the petitioner alleging that it is the petitioner who had inflicted injuries to him and not Jasvir. Learned counsel submits that such like substitution of accused when the complainant himself is the one who had sustained the injury at the hands of Jasvir Singh shows that it is a case where the petitioner has been falsely implicated.
4. Opposing the petition, learned State counsel has submitted that since the petitioner came to be specifically nominated in the supplementary statement of the complainant his complicity cannot be doubted particularly when the injury was found on the person of the complainant. Learned State counsel further submitted that the petitioner stands involved in 3 other cases. It has been informed that as on date the petitioner has been behind bars for the last 8 months. It has also been informed that none out of the cited 21 PWs has been examined till date.

5. This Court has considered the rival submissions.
6. It is not in dispute that the petitioner is not specifically named in the FIR and it is one Jasvir Singh who inflicted injuries to the complainant on his nose with the help of an iron rod. Interestingly, after about 6 months the complainant by way of supplementary statement has substituted the name of said Jasvir Singh with that of the petitioner by raising allegation that it is the petitioner who had inflicted said injuries. The aforesaid substitution of name will certainly make the involvement of the petitioner debatable. The petitioner is stated to be behind bars for the last 8 months and none out of the cited 21 PWs has been examined till date. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.12.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No