

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.212

CRM-M-31803-2021

Date of decision: 27.01.2022

Vikas @ Akash @ Kodi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Jasneet Mehra, Advocate
for the petitioner.

Mr. Manish Dadwal, Asstt. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.229 dated 31.08.2020, registered under Sections 302, 148, 149 IPC at Police Station Gate Hakima, District Amritsar.

Briefly stated, the case of the prosecution is that Ravi Kumar and Sarwan Kumar were attacked by the petitioner and his co-accused; co-accused Rambo gave a kirch blow on the left flank of Ravi Kumar; co-accused Gourav @ Gola gave a blow with his stick on Ravi Kumar's head; co-accused Shamsher Singh Shera gave a blow with his baseball bat on Ravi Kumar's shoulder and when Ravi Kumar fell down, the petitioner, Gori, Karanbir Singh Kanna and Mukul gave kick blows to Ravi Kumar who, succumbed to the afore injuries.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody since 20.10.2020; the petitioner does not face any other criminal case; investigation in the case is complete; even if the case of the prosecution is taken as gospel truth, though vehemently denied, no specific injury is attributed to the petitioner; the kick blows attributed to the petitioner

are not corroborated by the postmortem report and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he alongwith his co-accused has caused the murder of Ravi Kumar.

The petitioner is in custody since 20.10.2020; he does not face any other criminal case; investigation in the case is complete; no specific injury is attributed to the petitioner; the kick blows which are attributed to him are not corroborated by the postmortem report and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

After considering the above rival submissions, 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 CJM/Duty Magistrate, Amritsar, 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.

January 27, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No