

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

212

CRM-M-28443-2022

Date of decision: 12.07.2022

SOURAV@SOURAV KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 124 dated 18.06.2021 registered at Police Station City Sunam, District Sangrur, wherein, offences constituted under Sections 307, 341, 323, 506, 120-B, 148, 149 of the IPC, are embodied.

2. The present bail petitioner along with other members of the un-lawful assembly, and, with each respectively wielding weapons' of offence rather caused a life endangering assault upon the victim. The incriminatory role as attributed to the present bail petitioner, is that, his with a user of the iron rod striking the left leg of the victim, and, hence his causing injuries thereon.

3. Be that as it may, the judicial incarceration of the present bail petitioner has commenced since the month of November, 2021,

and, when it has been stated, at the bar, by the learned State Counsel on instructions from ASI Najar Singh, that the relevant recovery, has been caused to be effected, by the present bail petitioner, to the investigating officer concerned, besides, also his making a further submission, before this Court, that the victim-injured has fully recovered from the injuries as became entailed upon his person, in consonance to the assault, as, made by the accused concerned, and, that his condition is fully stable.

4. Moreover, since at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses, besides when the present bail petitioner stepped into the judicial custody, in the month of November, 2021 therefore, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

5. Therefore, the instant petition is allowed, and, the petitioner bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal, and, surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

6. It is clarified that the above made observations are strictly made only for disposal of the present bail petition, and, shall not influence in any manner, the learned trial Judge concerned as and when he/she deals with the trial of the FIR (Supra).

12.07.2022

kavneet singh

(SURESHWAR THAKUR)

JUDGE

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

KAVNEET SINGH
2022.07.13 10:13
I attest to the accuracy and
authenticity of this order/judgment