

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

CRM-M-33098-2021 (O&M)
Date of decision: 20.04.2022

Lakhu Rehman and others

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Gulzar Mohammad, Advocate for the petitioners.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seek regular bail in case bearing FIR No.80 dated 24.06.2021, registered at Police Station Maqsudan, District Jalandhar, under Sections 323, 307, 148 and 149 IPC.

Learned counsel for the petitioners contends that there is a delay of five days in lodging the FIR; that the petitioners have falsely been implicated in the present case; that a scuffle took place between the petitioners and the complainant, due to which the complainant fell down and had received injuries; that as per the version recorded in the FIR, there is no specific injury attributed to the petitioners; that the alleged occurrence took place at the spur of the moment and without any pre-mediation; that the petitioners have been in custody since 25.06.2021 and that the injuries have allegedly been attributed to two other co-accused.

Learned State counsel, while vehemently opposing the prayer for bail submits that the complainant fell down, because of fist blows given by the petitioners during scuffle and till date he is bed-ridden. However, he does not dispute the custody period of the petitioners. He submits that the challan stands presented and the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioners have been in custody since 25.06.2021. There is a delay of 5 days in lodging the FIR. As per the prosecution, the complainant has received injuries during a scuffle. Only the fist blows have been attributed to the petitioners. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

20.04.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No