

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

213

CRM-M-32920-2021 (O&M)

Date of Decision: 13.07.2022

NARESH KUMAR @ SHIVA @ LADDI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.57 dated 04.04.2018, registered at Police Station City Hoshiarpur, District Hoshiarpur, under Sections 307, 427, 148 and 149 IPC, Section 25 of the Arms Act, 1959, and Sections 120-B and 34 IPC (added later on) (Sections 148 and 149 IPC deleted subsequently).

Status report by way of an affidavit dated 07.07.2022 of the Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the petitioner has also received a bullet injury on his chest in the occurrence, as would decipher from the MLR (Annexure P-3); that both the parties

have received injuries, attracting Section 307 IPC; that it is a version and cross-version case and it is yet to be ascertained as to which party was the aggressor one, and that co-accused, Deepak Kumar @ Binny Gujjar, having a role similar to the petitioner, stands granted regular bail by a Coordinate Bench, vide order dated 09.04.2021. He further submits that the dispute between the parties was with regard to the share in liquor vend and that the injury attributed to the petitioner is on the non-vital part of the complainant i.e. leg. Still further, it is submitted that the petitioner had also got lodged the DDR against the complainant herein and that the petitioner has been in custody since 04.04.2018.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the dispute is between two gangs i.e. Jyoti Gang and Vicky Gounder Gang and that the petitioner is the member of the former. He further submits that the petitioner is a habitual offender as he is involved in 4 other cases including the two under Section 302 IPC and that prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.04.2018. It is a case of version and cross-version. Injury attributed to the petitioner is on the non-vital part of the complainant. DDR has also been lodged against the complainant herein. In the incident, the petitioner had also received the injury on his chest. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude.

Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.07.2022

(HARNARESH SINGH GILL)

Aman Jain

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No