

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

CRM-M-30439-2022 (O&M)

Date of decision: 21.07.2022

Deepu Kumar @ Deep

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Chandan Singh Rana, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.261 dated 16.11.2020, registered under Sections 323, 341, 325 IPC read with Section 34 IPC and later on added Sections 307, 506, 201 IPC, at Police Station Moti Nagar, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner was falsely implicated in the present case; that the petitioner was neither named in the FIR, nor any specific role was attributed to the petitioner; that the petitioner has been indicted on the basis of supplementary statement of the complainant, recorded on 09.01.2021 i.e. after two months of the registration of the FIR, alleging therein that the petitioner had raised a *lalkara* and given beatings to the complainant and his friend; that the petitioner has been in custody since 29.04.2021 and that co-accused, Kamal @ Kartik, to whom injury entailing the offence under Section 307 IPC was attributed, has been granted regular bail by this Court vide order dated 20.07.2022.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the crime along with the accused. However, he does not dispute the custody period of the petitioner and the fact that the co-accused, to whom injury under Section 307 IPC was attributed, has already been granted the concession of regular bail. She submits that out of 12 prosecution witnesses, 07 prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.04.2021. The petitioner was indicted on the supplementary statement of complainant recorded after two months of the registration of the FIR and no specific role has been attributed to him. Seven 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 petitioner 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 petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

21.07.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No