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

CRM-M-32427-2022 (O&M)

Date of decision:06.08.2022

KAMALJEET SINGH @ KAMALPREET SINGH @ KAMAL
...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. M.S. Nagra, Asst. A.G. Punjab

SURESHWAR THAKUR, J. (ORAL)

CRM-26169-2022

Allowed as prayed for.

CRM-M-32427-2022

1. The instant petition has been filed under Section 439 of Cr.P.C., wherethrough the present bail petitioner seeks indulgence of regular bail being accorded to him. FIR No.100 of 22.05.2022, constitutes therein offences under Sections 323, 341 of IPC, (under Sections 325, 308, 201 of IPC added lateron), and, is lodged at Police Station Sadar Dhuri, District Sangrur, thereins the commission of the incriminatory offences are attributed to the bail petitioner.
2. The present bail petitioner is the sole accused in the FIR, and, is alleged to, through his allegedly hurling brickbats on the cheek of the victim, to cause injuries thereon, and, is also alleged to, deliver a kick blow on the abdomen of the victim.

3. That in sequel to the above injuries becoming entailed, upon the victim, the latter was hospitalized. However, the learned State counsel on instructions given to him by ASI Hakam Singh submits that, the petitioner has been discharged, from hospital, and, also that he is fully stable.

4. Though, the investigating officer concerned, could not, at the instance of the accused, during the course of his holding investigations into the petition FIR, ensure that, the accused ensures his making recovery, to him, of the brickbats, which he allegedly hurled on the cheek of the victim, but since for want thereof, the investigating officer concerned, has added an offence under Section 201 of the IPC against the petitioner. In consequence when the accused would face a charge in respect of an offence under Section 201 of IPC, thereupon, the non-effectuation of recovery of the brickbat, from him, by the investigating officer concerned, does not, at all assume any significance, at this stage.

5. Moreover, since the learned State counsel further submits that, the investigations into the petition FIR are almost complete, and, that very soon a report under Section 173 of Cr.P.C., would become filed, before the learned Magistrate concerned. Therefore, and, since the judicial incarceration of the accused is about 1½ months, hence this Court does not deem it fit, and, appropriate to prolong it any further, as thereupon his personal liberty would become unnecessarily fettered, and, curtailed.

6. The further reason which constrains this Court, for admitting the present bail petitioner to regular bail becomes comprised in the factum that, 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 the prosecution witnesses.

7. Consequently, it is not necessary to prolong the judicial incarceration of the bail petitioner-applicant. The instant petition is allowed, and, the bail petitioner-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail petitioner-applicant, is subject to his furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

8. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

06.08.2022

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