

**217-A IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-32553 of 2022(O&M)

Date of Decision: 15.09.2022

Madhav Gupta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. G.S. Nanhel, Advocate
For the petitioner.**

Mr. Jaspal Singh Guru, AAG Punjab.

**Mr. Suneet Pal Singh, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 293 dated 06.08.2021, registered under Sections 302, 307, 323, 148, 149 and 120-B IPC at Police Station City Kharar, District SAS Nagar, to which Sections 325 and 326 IPC were added lateron.

The counsel for the petitioner contends that no injury has been attributed to the petitioner, who was named in the FIR. That the only allegations against the petitioner are that he was armed with wooden *danda* and shouting loudly along with co-accused Gopal Krishan and Suman Sharma both of whom were also having wooden *dandas* in their hands. The counsel for the petitioner further contends that the petitioner is in custody for the last more than 01 year and 01 month and is having no criminal history.

The counsel for the petitioner further contends that after completion of investigation the challan has been presented but it will take considerable time for the trial to complete even after the framing of charges. The counsel for the petitioner further submits that co-accused Rajesh Kumar who in a similar manner was stated to be armed with iron rod and gave its blow to the complainant at the time of occurrence, was granted regular bail by this Court vide order dated 15.07.2022 in CRM-M-7983 of 2022. So, prayer is made that the petitioner be released on regular bail.

The present petition is contested by the State counsel as well as counsel for the complainant, both of whom have submitted that the FIR in the present case was registered against the petitioner and other accused persons on the basis of the statement of Jitender Kumar with regard to murder of Rakesh Kumar. That after the completion of investigation the police has presented the *challan* but the trial is yet to commence and as such no ground is made out to grant regular bail to the petitioner at this earlier stage. However, the State counsel has not refuted the fact that co-accused Rajesh Kumar has already been granted regular bail by this Court.

I have considered the submissions made by counsel for the parties.

Admittedly, the petitioner was named in the FIR. However, the State counsel as well as the counsel for the complainant have failed to show that any specific injury was caused to the deceased Rakesh Kumar by the present petitioner at the time of the occurrence. As per the allegations in the FIR it appears that the petitioner was armed with *danda* and was shouting loudly and no injury has been attributed to him. The complicity of the

petitioner in the murder of Rakesh Kumar is to be unfolded during the trial. As per the status report filed on behalf of the State in connected petition bearing CRM-M-8953 of 2022, investigation has been concluded and challan presented but the trial is yet to start. The petitioner is in custody for the last more than 01 year and 01 month and is not involved in any other criminal case. Admittedly, co-accused Rajesh Kumar who was armed with iron rod and who caused injury on the person of the complainant, has been granted regular bail by this Court vide order dated 15.07.2022. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

In view of the above, without expressing any opinion on the merits of the case, instant petition is allowed. The petitioner is ordered to be released on regular bail during the trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate concerned.

15.09.2022

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**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**