

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 286

CRM-M-33762-2022

Date of decision : 14.09.2022

Kishan Bali @ Krishan Bali

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Pranav Handa, Advocate, for the petitioner.

Mr.M.S.Nagra, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.52 dated 22.03.2022 registered under Sections 307, 452, 323, 324, 354, 380, 427, 148, 149 and 120-B IPC and Section 25 of Arms Act, 1959 at Police Station Division No.6, Jalandhar, District Police Commissionerate, Jalandhar.

The complainant filed a complaint with the police as per which on 22.03.2022 when he was sleeping in his house he heard a shot fired on his main gate; thereafter, Raju Baba, who was armed with a sword, Surinder Singh, who was armed with a revolver alongwith 3-4 unidentified persons entered the complainant's house; on exhortation by Raju Baba, Surinder Singh fired a shot from his revolver which hit the complainant's mother; the complainant's brothers Sandeep Kumar and Vijay Kumar were attacked by Raju Baba with his sword; one of the unidentified person also attacked the complainant and when the complainant and his family members raised hue and cry, the assailants fled from the spot.

On the basis of the above complaint, the FIR in question was lodged during the investigation of which the complainant suffered a

supplementary statement in which he disclosed the name of the unidentified assailants to be the petitioner and one Harpinder Singh.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he is in custody since 13.05.2022; investigation in this case is complete and therefore the petitioner is in no position to influence the same; no specific injury has been attributed to the petitioner; the complainant's version that it was Raju Baba and Surinder Kumar, who caused injuries to the complainant and his family members, has been found to be false as investigation conducted by the investigating agency has revealed that Raju Baba was not present at the place of occurrence and was only part of the conspiracy behind it; the identically placed co-accused-Harpinder Singh who had earlier approached this Court through CRM-M-24863-2022 *Harpinder Singh vs State of Punjab* has already been granted regular bail on 02.08.2022 and that since the petitioner's trial is yet to begin, it will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was part of the unlawful assembly which inflicted injuries on the complainant and his family members.

Out of the two assailants, who were later identified to be the petitioner and co-accused-Harpinder Singh allegedly entered the complainant's house and caused injuries upon the complainant. However, in the absence of specific attribution, it would be debated during the course of the petitioner's trial as to which of the two inflicted the injury.

The complainant's complaint, which forms the back bone of the prosecution's story, in the light of the same having been found to be partially false with regard to the presence of Raju Baba at the spot of occurrence, also makes the prosecution's case debatable.

Irrespective of the above, the petitioner is in custody since 13.05.2022; investigation in this case is complete; identically placed co-accused-Harpinder Singh has already been granted regular bail by this Court and that the petitioner's trial, which is yet to begin, is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

14.09.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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