

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

214

CRM-M-42055-2021(O&M)
Date of Decision : **February 17, 2022**

KULDEEP KUMAR @ DEEPU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

CRM-5693-2022

For the reasons mentioned in the application, the same is allowed and accompanying Annexures A-1 and A-2 are taken on record, subject to all just exceptions.

Main case

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.296 dated 2.10.2020 under Sections 323, 326, 307, 34 IPC (Offences under Sections 325, 308 IPC deleted later on), Police Station City Kapurthala, District Kapurthala.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 8.6.2021 which is more than seven months and the investigation of the case has already been completed and even challan has been presented before the competent Court and charges have been framed on 23.11.2021 but no prosecution witness has been examined till date. He further submitted that even reply has been filed by the State in the present case and as per the the injury attributable to the

petitioner which was on the head above the eye was grievous in nature. He submitted that in the present case, the petitioner has been falsely implicated which is clear from the fact that the opinion was taken from a private hospital, namely, Arman Hospital and there was infact no injury on the eye of injured person which is evident from the photographs annexed by the petitioner alongwith CRM-5693-2022. He further referred to the reply filed by the State in which it was stated that infact it was a case of cross version and the co-accused in the present case has also suffered injuries and the complainant and the petitioner are neighbours and infact the other party was the aggressor party. He submitted that as per the reply filed by the State the petitioner is not involved in any other case and has clean antecedents and no recovery is to be effected from the petitioner once the investigation has already been completed. He further submitted that the trial of the case would take long time and, therefore, he may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that so far as the custody of the petitioner is concerned, it is correct and it is also correct that the investigation of the case has already been completed and challan stands presented before the competent Court and no recovery is to be effected from the petitioner. He further submitted while referring to the reply filed by the State that the petitioner is not involved in any other case and has clean antecedents. He has also submitted that it was a case of cross version but in the other cross version no FIR was registered and infact only a DDR was registered. He further submitted that so far as the role of the present petitioner is concerned, the role was attributable to

inflicting of a grievous injury on the complainant.

I have heard the learned counsels for the parties.

The custody of the petitioner has not been disputed. It is also not disputed that the petitioner is not involved in any other case and has clean antecedents and the investigation of the case has already been completed and thereafter charges have been framed but no PW has been examined. It has also been stated by the learned State counsel that no recovery is to be effected from the petitioner. The trial of the case would take long time and furthermore it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

February 17, 2022

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No