

**(110+218) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-46642-2021(O&M)
Date of Decision: 04.08.2022**

Raman Kumar

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. D.S. Gandhi, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

CRM-14311-2022

The present application has been filed by the applicant-petitioner
for placing on record Annexure A-1.

For the reasons mentioned in the application, the same is allowed
and Annexures A-1 is taken on record.

CRM-M-46642-2021

The prayer in the present petition under Section 439 Cr.P.C. is for
the grant of regular bail to the petitioner in case FIR No.0039 dated
23.03.2021 under Sections 307, 323, 324, 34 IPC (Sections 148, 149 and 120-
B IPC added later on) registered with Police Station Bullowal, District
Hoshiarpur (Annexure P-3).

2. The present FIR came to be registered at the instance of Gulshan
Kumar who stated that he had a brother Vinod Kumar whose marriage was
solemnized 07 years with Manju and they had one child of the age of 05

years. Manju was having illicit relations with one Raman Kumar (the present petitioner) which caused annoyance to his brother Vinod Kumar. His brother had a quarrel with Raman Kumar regarding which a case had been filed against Vinod Kumar. On 22.03.2021, Raman Kumar and his companions inflicted injuries with sharp edged weapons on the head and body of his brother Vinod Kumar with an intention to kill him. Based on the said complaint, the present FIR came to be registered.

3. The learned counsel for the petitioner *inter alia* contends that the complainant is not eye-witness to the occurrence. In fact, the present FIR is a counter-blast to an earlier FIR No.0332 dated 14.12.2020 (Annexure P-1) under Sections 323, 325, 148 and 149 IPC at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar got registered at the instance of the petitioner against the said Vinod Kumar. Even otherwise, the petitioner has been custody since 25.06.2021 and none out of the 09 prosecution witnesses have been examined so far. So far as, the injured Vinod Kumar is concerned, he has been released from hospital in a stable condition and is carrying out his daily pursuits. He, thus contends that the petitioner deserves the concession of regular bail.

4. On the other hand, the learned State counsel submits that the petitioner along with his co-accused Ajay Kumar have been named by the injured Vinod Kumar as having caused injuries on the head of the said Vinod Kumar and it is these injuries which have been declared to be dangerous to life. It is therefore, contended that the nature of injuries suffered by the injured Vinod Kumar and the manner in which the occurrence has taken place does not entitle the petitioner to the grant of bail.

5. I have heard the learned counsel for both the parties at length.
6. Admittedly, there is some dispute between the parties on account of the alleged illicit relations between the petitioner and the wife of Vinod Kumar and an FIR earlier had been registered at the instance of the petitioner against Vinod Kumar (Annexure P-1). Admittedly, Vinod Kumar has since been released from hospital and is carrying out his daily pursuits. The investigation stands completed and none out of the 09 prosecution witnesses have been examined so far. Therefore, the trial is unlikely to conclude any time soon. In these circumstances, the further incarceration of the petitioner is not required as he has already been in custody in since 25.06.2021.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

04.08.2022

JITESH

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