

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

CRM-M-47537-2022

Date of decision: 23.12.2022

Kuldeep Kumar @ Rinku

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sanjeev Kumar, Advocate
for the petitioner.

Mr. Anup Singh, A.A.G., Punjab.

Mr. Ashish Ravi, Advocate for
Mr. Abdul Aziz, Advocate
for the complainant.

NAMIT KUMAR, J.

This petition has been filed under Section 439 Cr.P.C. seeking regular bail in a case bearing FIR No.0214 dated 18.08.2022 registered under Sections 353/186/332/34 of IPC (Section 333 of IPC was added later on) registered at Police Station City Malout, District Sri Muktsar Sahib, Punjab.

The FIR in the present case was registered on the complaint submitted by Gurbinder Singh working as Sanitary Inspector with Municipal Council, Malout, wherein, it has been alleged that a challan was issued to the petitioner for not following the protocol to prevent dengue and when complainant went to his house to get his signatures for challan, the petitioner refused and then on 18.08.2022, the petitioner called the complainant to his house and caused injuries to him with baseball bat. As per MLR, complainant is said to have received 4 injuries on his person and as per medical record, injury No.3 on the person of complainant is fracture

and same has been declared to be grievous in nature and is attributed to the petitioner.

On issuance of notice to the State of Punjab, status report dated 22.12.2022 by way of affidavit of Sh. Balkar Singh, PPS, Deputy Superintendent of Police, Sub-Division, Malout, District Sri Muktsar Sahib, has been filed on behalf of the respondent-State and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

Learned counsel for the petitioner contends that compromise has been effected between the parties which has been placed on record as Annexure P-4 and that the petitioner is in custody since 18.08.2022 and co-accused i.e. wife of the petitioner has already been extended the concession of bail by the Court of the learned JMIC, Malout, vide order dated 25.08.2022 (Annexure P-3). The investigation is complete and challan has been presented and the trial is likely to take considerable time to conclude and, therefore, no fruitful purpose would be served in detaining the petitioner in custody and no other case is pending against him.

The learned State counsel, on instructions from the Investigating Officer, does not dispute the above said factual position that the compromise has been effected between the parties and that the petitioner is in custody since 18.08.2022.

Heard counsel of both the parties and perused the records.

Keeping in view the compromise dated 15.11.2022 and period of incarceration and since the challan has already been presented against the petitioner and the likelihood of trial being prolonged. Culpability, if any, would be determined at the time of trial. No useful purpose shall be

served by further detention of the accused/petitioner, therefore, the present petition is allowed.

Thus, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

23.12.2022
Neha

(NAMIT KUMAR)
JUDGE

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