

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

(THROUGH VIDEO CONFERENCING)

CRM-M-53622-2021

Date of Decision: 20.1.2022

Mukesh Kumar alias Mithu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Gursimran Singh Madaan, Advocate, for the petitioner.

Mr. Arun K. Kaundal, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.118 dated 31.8.2021 registered for the offences punishable under Sections 307, 324, 34 of Indian Penal Code (for short, "IPC") at Police Station Division No.1, District Pathankot.

Counsel for the petitioner has contended that no specific injury has been attributed to the petitioner. That as per FIR, the petitioner was accompanying Faqir Chand alias Faqiru who gave kirch blows to Jotpal Singh. It is further contended that on completion of investigation, the police has submitted challan against the petitioner and other accused persons in the Court concerned. It is further contended that the petitioner is already in custody for the last more than 4 months and is having no previous criminal history.

On the other hand, counsel for the State contended that Faqir

petitioner was accompanying said Faqir Chand @ Faqiru. He further submitted that at the time of occurrence, the petitioner also mishandled Jotpal Singh. He made prayer that the present petition be dismissed.

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

As per allegations in the FIR, petitioner-Mukesh Kumar @ Mithu, Rohit alias Biri and Gulu were accompanying main accused Faqir Chand @ Faqiru who gave kirch blows to Jotpal Singh. As per FIR, at the time of the aforesaid occurrence, the petitioner also mishandled Jotpal Singh. Admittedly, main accused Faqir Chand @ Faqiru has been arrested by the police. As per custody certificate, the petitioner is in custody for the last 4 months and 18 days and he is having no criminal history. No specific injury has been attributed to the petitioner. Undoubtedly, investigation has been completed and challan has been presented against all the accused persons including the petitioner. Due to Covid-19 situation, it will take considerable long time for conclusion of the trial. So, I am of the view that no useful purpose will be served even if the petitioner is kept in custody for any longer period.

In view of the above, 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/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

January 20, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

**(KARAMJIT SINGH)
JUDGE**

Yes/No
Yes/No