

CRM-M-50911 of 2022

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

CRM-M-50911 of 2022
Date of decision: 29.11.2022

Pankaj Kumar

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vivek Singla, Advocate, for the petitioner.
Mr. Ravinder Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.0237 dated 16.09.2022 under Sections 307, 324, 323, 148, 149 IPC registered at Police Station Civil Lines Bathinda, District Bathinda.

Brief facts of the case are that FIR was registered at the instance of complainant Shivam Galhotra who got recorded his statement to the effect that he is student of B.Com. (Final) in D.A.V. College, Bathinda. On 15.09.2022 he had come to attend his classes in the said college. It was about 11.45 a.m., he was going to his class room from the college canteen and at that time his friend Kunal and his sister Muskan were accompanying him. In the meanwhile, one of the four unknown persons, passed comment to said Muskan. As and when his friend Kunal asked said unknown persons

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why he was doing so, then said unknown person caught hold collar of said Kunal. The complainant warned said unknown persons, they started grappling with him and threatened to see him on coming out of college. Later on, after collecting their bags from class rooms, as and when the complainant and his above friends proceeded to leave for home, reached at the gate of college and it was 12.00 noon then aforesaid unknown persons started beating his friend Kunal. The complainant tried to restrain them, on this, 5-6 more persons who were armed with swords, Gandasa and Kapas assailed him (complainant) with intention to kill him. As and when he fell on the ground, the aforesaid assailants gave multiple blows of swords, Gandasas etc. on his head and back with intention to kill him. On raising clamour by complainant, Monti Bhau and Jeeta Bhau residents of Bathinda along with other assailants, left the spot along with their respective weapons. Kunal made telephonic call to father of complainant, who got him admitted in civil hospital for treatment. On the basis of said allegations of the complainant, this case was registered against Monti Bhau, Jeeta Bhau and 5-6 other unknown persons. On 16.9.2022, the complainant got recorded his supplementary statement to the effect that the assailants who inflicted injuries to him, besides Monti Bhau, Jeeta Bhau, were Bablu @ Suresh s/o Ajay Kumar r/o St. No. 6, Ajit Road, Bathinda, Pankaj (petitioner) s/o Horil Mahato, Vishal r/o St. No. 3, Dhobiana Basti, Bathinda, Suraj r/o Lal Singh Basti, Bathinda, Happy and Ravi. Whereupon DDR No. 59 dated 16.9.2022 was lodged and above named persons were nominated as accused in this case.

On issuance of notice of motion, learned State counsel has filed

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status report dated 28.11.2022 by way of affidavit of Gurpreet Singh, Deputy Superintendent of Police, City-II, Bathinda, on behalf of the respondent-State, in Court today, which is taken on record. Para 9 of the said status report reads as under: -

“9. That during investigation, the complainant Shivam Galhotra along with his father Rajeev Galhotra had produced one Moserbaer 4GB pendrive containing video footage of merciless beatings with deadly weapons upon complainant Shivam Galhotra by accused persons along with photographs of occurrence. In videography and photographs, the accused/petitioner Pankaj Kumar showing accompanying other accused persons giving merciless beatings to complainant Shivam Galhotra as such the accused person played important role of unlawful assembly. The copy of pendrive containing video footage along with photographs are already annexed with status report in CRM-M-46659 of 2022 titled as “Bhupinder Singh versus State of Punjab.”

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. He has been nominated as an accused on the basis of supplementary statement of complainant dated 16.09.2022 and there is no specific allegation against the petitioner. Petitioner is in custody since 16.09.2022. He further submits that even as per stand taken in the status report, only role attributed to the petitioner is of unlawful assembly. He submits that challan in the present case has been filed on 15.11.2022 and the investigation qua other persons is still under progress. Petitioner is not involved in any other case. Learned counsel further submits that conclusion of trial may take a long time. No useful purpose would be served by

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keeping the petitioner behind the bars, therefore, he may be granted regular bail.

Per contra, learned State counsel vehemently opposed the grant of regular bail to the petitioner. However, he could not refute the abovesaid factual position that no case is pending against the petitioner and that trial is likely to take a long time.

Considering overall facts and circumstances of the case, however, 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.

29.11.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No