

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5059-2023
Date of Decision: 12.04.2023

RIZVAAN ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CRM-M-7451-2023
Date of Decision: 12.04.2023

GOPAL ARORA ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arun Gupta, Advocate for
Mr. Rakesh Gupta, Advocate
for the petitioner in CRM-M-5059-2023.

Mr. Jasraj Singh, Advocate for
for the petitioner in CRM-M-7451-2023

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

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VIVEK PURI, J. (ORAL)

CRM 11780-2023

This is an application for addition of the offences under Section 325 and 201 IPC in the petition. It has been submitted that the said offences have been added subsequent to the registration of the FIR.

Application is allowed.

Registry is directed to do the needful.

The petitioners are seeking regular bail in case bearing FIR No. 138 dated 04.09.2022 under Sections 307, 323, 341, 506, 148 and 149 IPC, to which Sections 307, 325 and 201 IPC added later on, registered at police Station Anaj Mandi, Patiala.

Custody certificates have been taken on record.

Learned counsel for the petitioners contend that as per the allegations Phool Mohammad had inflicted rod blows on the legs, Chanchal had inflicted iron rod blow on the legs and other body parts, Inder inflicted kirpan blow on the forehead, Rizvaan inflicted kirpan blow on the legs, Rehan inflicted stick blow on the left arm and unknown person inflicted injuries by means of stick on the person of complainant-injured. He further submits that injuries were inflicted on the person of the complainant with an intention to commit murder. It has been submitted that Gopal Arora has not named in the FIR. Initially the FIR was registered under Sections 323, 341, 506, 148 and 149 IPC. None of the injuries has been declared to be dangerous to life. Subsequently after a period of 15 days to aggravate the gravity of allegations against the petitioner and the co-accused, the offence under Section 307 IPC has been added on the basis of supplementary statement of the complainant. Furthermore, as per the MLR all the injuries have been caused by means of blunt weapon and as such injury alleged to have been inflicted by Rizvaan-petitioner by means of kirpan cannot be termed to be free from doubt. The injured has been discharged from hospital and he has not suffered any disability. The petitioners are in custody for a period of 6 months and 22 days. The investigation of the case is complete and the challan has already been presented in the Court.

Learned State counsel has opposed the bail application primarily on the score that the recovery of kirpan has been effected from Rizvaan and the injuries No. 1, 4 and 5 on the person of the complainant have been declared to be grievous in nature. Furthermore, Rizvaan-petitioner is involved in two other cases and Gopal Arora-petitioner involved in one more case.

Be that as it may, the petitioners are stated to be on bail in the other cases that have been registered against them. In the instant case, they are in custody for a period of 6 months and 22 days. The injuries on the person of the complainant have been caused by means of blunt weapon. There is no medical opinion to indicate that any of the injuries has been declared to be dangerous to life. The controversy as to whether offence under Section 307 IPC is made out or not will be debatable and moot point during the course of trial. The investigation of the case is complete and challan has been presented in the Court. The conclusion of trial is likely to take some more time. No fruitful purpose would be served by detaining the petitioners in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petitions are allowed.

12.04.2023

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No