

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-5407-2023 (O&M)

Date of Decision: 7.2.2023

Kush Kumar Kataria @ Lovi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rajat Dogra, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.370 dated 25.9.2022 registered for the offences punishable under Sections 307, 323, 148, 149, 120-B IPC and Sections 25 and 27 of Arms Act at Police Station City Ferozepur, District Ferozepur.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is in custody for the last more than 4 months and the only allegations against him are that he caused simple injuries to the complainant. He further submits that after completion of investigation, challan has been presented and the petitioner, who is having no criminal history, is now lodged in judicial custody and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be given concession of regular bail.

Present petition is resisted by the State counsel who on instructions from ASI Gurdev Singh submits that the petitioner was member of unlawful assembly which attacked the complainant and caused injuries to him. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 4 months. He further submits that recoveries are already effected and after completion of investigation, the police has presented the challan and that only simple injuries are attributed to the petitioner who is having no criminal antecedents.

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

Only simple injuries are attributed to the petitioner as has been admitted by the State counsel. Recovery of the weapon used by the petitioner at the time of the occurrence is already effected. The petitioner is in custody for the last more than 4 months and after completion of investigation, challan has been presented by the police but it will take time for conclusion of trial. Thus, no fruitful useful purpose is going to be served by keeping the petitioner in custody for any further 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.

(KARAMJIT SINGH)
JUDGE

February 7, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No