

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11918-2023
Decided on : 24.03.2023

Lovekush

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Balram Prashar, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.255 dated 04.11.2022 under Sections 323, 324, 341, 506, 148, 149 and 120-B IPC (later on Sections 148 and 149 IPC removed and Sections 326 and 34 IPC added) registered at Police Station Division No.8, Ludhiana.

Learned counsel to the petitioner while drawing the attention of this Court to the allegations levelled in the FIR in question *inter alia* contends that a perusal of the same reveals that the petitioner was not even named therein. Learned counsel submits that it was only subsequently the petitioner was nominated as an accused on the basis of the disclosure statement allegedly made by co-accused Rohit, who stated that the petitioner was one of those unidentified persons, who inflicted a *datar* blow on the left arm of the injured. Learned counsel further submits that it is, on the face of it, a case of false implication as

would also be evident from the supplementary statement made by the complainant (Annexure P-5) wherein he has come up with a self contradictory version with respect to the involvement of accused Madhav and his brother, who had been specifically named in the FIR by him and qua whom he had also spelt out a role in the crime in question. Learned counsel still further submits that the occurrence in question took place on 29.10.2022 and the FIR in question was lodged on 04.11.2022 i.e. after almost 6 days of the alleged occurrence, which further lends credence to a fabricated version having been brought forth by the complainant.

Per contra, learned State counsel while opposing the prayer has not been able to controvert the factual aspect of the role attributed to the petitioner in the crime in question. Learned State counsel submits that the petitioner was specifically named by the complainant while getting his supplementary statement recorded on 11.01.2023.

On a pointed query put to learned State counsel qua the antecedents of the petitioner, he, on instructions submits that the petitioner does not have any criminal past. It has also been brought to the notice of this Court that the charges have not been framed and the next date of hearing is 31.03.2023.

Heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 16.11.2022 and the trial shall take considerable time to conclude as 11 prosecution witnesses have been cited coupled with the fact that charges have not yet been framed.

This Court, in the facts and circumstances as enumerated hereinabove, deems it appropriate to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

24.03.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No