

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-19762-2023 (O&M)

Date of Decision: 16.12.2023

Gaurav Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. S.P.S. Khaira, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

VIKAS SURI, J. (Oral)

CRM-51323-2023

Prayer in the present application is for preponement of date of hearing of the main petition from 18.01.2024 to an early date.

Notice of the application.

Mr. Gurlal Singh Dhillon, AAG, Punjab, accepts notice on behalf of the respondent-State and pleads no objection to the limited prayer made in the application being granted by this Court.

For the reasons mentioned in the application and the submissions noticed above, the instant application is allowed. The date of hearing of main petition is preponed to today and with the consent of learned counsel for the parties, same is taken on board for consideration.

CRM stands disposed of.

CRM-M-19762-2023

1. Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in case FIR No.270 dated 20.09.2021, under Sections 307, 323, 324, 326, 341, 148, 149, 120-B IPC, registered at Police Station Focal Point, Ludhiana, District Ludhiana.

2. The facts which have led to the institution of this petition are that the above captioned FIR was registered on the statement of complainant Ashok Kumar, wherein it was alleged that on 15.09.2021, son of the complainant namely Abhishek Kumar went to Balmik Samaj Rally, Dugri, where his motorcycle collided against the motorcycle of one Sahil and an argument ensued. The son of the complainant was threatened by Sahil that he would see him again and thereafter, complainant's son returned to his house. After some time, Sahil, Lakha and Gaurav Singh (present petitioner) along with some other unknown persons came to the house of the complainant and abused them. The matter was reported to the police but a compromise was effected between the parties. On 19.09.2021, his son Abhishek Kumar had gone to collect money from Nambardar, where 6-7 unknown persons threw him on the ground with an intention to kill with their respective deadly weapons. After causing many injuries on his body, they all ran away from the spot along with their weapons. Some passers-by took the son of the complainant in their car and got him admitted to CMC hospital.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only on account of previous occurrence. No specific injury has been attributed to the petitioner. The

petitioner has been arrested in this case on 21.07.2022 and since then, he is in custody. Report under Section 173 Cr.P.C. has been submitted before the trial Court on 18.10.2022 and charges have not been framed as yet. The main accused Sahil was declared innocent during investigation. Learned counsel for the petitioner places reliance upon the judgment of the Apex Court in *Sanjay Chandra vs. CBI, (2012) 1 SCC 40*.

4. Per contra, learned State counsel has opposed the present petition while placing on record custody certificate of the petitioner dated 12.12.2023. He submits that the petitioner is involved in another case of similar nature. However, the factual aspects have not been denied. Learned State counsel has not been able to refute that in the said case, mentioned in the custody certificate, petitioner has already been granted the concession of regular bail vide order dated 23.12.2022 passed in CRM-M-47131-2022.

5. Heard learned counsel for the petitioner and considered the rival contentions advanced by them.

6. In the present case, FIR was registered against some unknown persons and the petitioner was nominated as an accused thereafter. Neither any specific role has been assigned to the petitioner nor any injury has been attributed to him. The *challan* stands presented before the trial Court on 18.10.2022 but till date, charges have not been framed. Thus, it can safely be inferred that the trial would take time to conclude as nine prosecution witnesses which have been cited who are yet to be examined. As per the custody certificate, petitioner is in custody for more than 01 year, 04 months and 23 days and no useful purpose would be served by keeping him behind bars for an indefinite period, hence, the present petition deserves to be

accepted.

7. Accordingly, without commenting upon the merits of the case, the instant bail petition is allowed and petitioner is ordered to be released on regular bail, in case not required in any other case, subject to his furnishing bail-bond and surety/sureties to the satisfaction of concerned trial Court/Duty Magistrate.

8. It is made clear that the petitioner shall not influence the trial or any prosecution witnesses in any manner directly or indirectly.

9. It is made clear that any observations or submissions noted above shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available on record.

December 16, 2023

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(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No