

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

2023:PHHC:063140

CRM-M-20822-2023

Date of Decision: 03.05.2023

BHARATH KUMAR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manbir Singh Basra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 05 dated 14.01.2022 under Sections 302, 307, 323, 148, 149, 506 IPC, registered at Police Station Division No.1, District Pathankot.

2. Custody certificate has been taken on record.

3. Learned counsel for the petitioner contends that as per the allegations, Pardeep co-accused had inflicted *datar* blow on the head of the deceased, Kala Pehalwan had grappled with the deceased and Raman @ Lahori had inflicted *Karpan* blow on the chest of the deceased. The petitioner along with Yuman, Kamal, Bishan Dass @ Bishu, Monu Bhagat and Tara Chand had thrown brick bats due to which Ajay Kumar, Neeraj Mahajan and Abhishek Sharma sustained injuries. It has been further submitted that out of 22 only 1 witness has been partly examined and an application under Section 319 Cr.P.C. has been moved. No specific injury on the person of any of the injured or upon the deceased has been attributed

to the petitioner. The petitioner along with some of the other accused have

been collectively attributed injuries by means of brick bats on the person of Ajay Kumar, Neeraj Mahajan and Abhishek Sharma and the same are simple in nature. Two of the similarly placed co-accused namely Bishan Dass @ Bishu and Kamal Kumar @ Kamal have been granted regular bail in terms of the order dated March 28, 2023 and April 19, 2023 passed by the Co-ordinate Bench of this Court in CRM-M-14653-2023 and CRM-M-17181-2023 respectively. The petitioner is in custody for a period of 1 year, 3 months and 12 days and is not involved in any other case. Even the petitioner had sustained injuries in the occurrence.

4. Learned State counsel, on instructions of ASI Surinder Pal, has not disputed the aforesaid factual aspects. It has been conceded that the case of the petitioner is at parity with Bishan Dass @ Bishu and Kamal Kumar @ Kamal, who have been granted regular bail.

5. The allegations against the petitioner are to the effect that he along with the co-accused have thrown brick bats on 3 persons and the injuries are stated to be simple in nature. No specific injury has been attributed to the petitioner. The petitioner had also sustained injuries in the occurrence which allegedly took place in the street where the accused persons reside and the complainant party came of their own. The case of the petitioner is at par with the co-accused Bishan Dass @ Bishu and Kamal Kumar @ Kamal. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. 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 petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

03.05.2023
Janki

(VIVEK PURI)
JUDGE

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