

CRM-M-21954-2023
Date of decision: 08.05.2023

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Surinder Singh @ Inder-petitioner is seeking regular bail in the case bearing FIR No.138 dated 04.09.2022 under Sections 307/323/341/506/148/149/201 IPC, registered at Police Station Anaj Mandi, Patiala.
3. Learned counsel for the petitioner contends 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, the petitioner had inflicted kirpan blow on the forehead as well as the head. Rizvaan had inflicted kirpan blow on the legs, Rehan had inflicted stick blow on the left arm and an unknown person had inflicted injuries by means of stick on the person of the complainant/injured. He further submits that as per the allegations, the injuries were inflicted on the person of the complainant with an intention to commit murder. Initially, the FIR was registered under Sections 323/341/506/148 & 149 IPC. None of the injuries has been declared to be grievous in nature. Subsequently, after a period of 15 days to aggravate the gravity of allegations against the petitioner and the co-

CRM-M-21954-2023**-2-**

accused, the offence under Section 307 IPC has been added on the basis of the supplementary statement of the complainant. Furthermore, as per the MLR, all the injuries have been caused by means of blunt weapon and as such, the injury attributed to the petitioner by means of kirpan cannot be termed to be free from doubt. The injured has been discharged from the hospital and has not suffered any disability. The co-accused namely Rizvaan and Gopal Arora have been granted regular bail by this Court in terms of order dated 12.04.2022 passed in CRM-M-5059-2023 and CRM-M-7451-2023 respectively. The petitioner is in custody for a period of 07 months and 17 days. Though, he is involved in another case under Sections 323/321/325/341/506 read with Section 34 IPC but is on bail in that case.

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

5. Be that as it may, the petitioner is stated to be on bail in the other case that has been registered against him. The petitioner is in custody in the instant case for a period of 07 months and 17 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 on the person of the complainant has been declared to be dangerous to life. The controversy as to whether, the offender under Section 307 IPC is made out of not will be a debatable and moot point during the course of trial. The co-accused, namely, Rizvaan and Gopal Arora have been granted regular bail by this Court. The investigation of the case is complete, the challan has been presented and the conclusion of trial is likely to

CRM-M-21954-2023

-3-

petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. The petition is allowed accordingly.

08.05.2023

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(VIVEK PURI)
JUDGE

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