

CRM-M-22306-2023

-1-

(217) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22306-2023

Date of Decision: 09.05.2023

VISHAL

... Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Prashant Vashishth, Advocate
for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.08 dated 14.01.2023 (Annexure P-1) registered under Sections 304/448/120-B of IPC at Police Station Bhargo Camp, Jalandhar-City.

2. The brief facts of the case are that the statement of one Ritu wife of Vicky was recorded to the effect that she worked as a Sweeper. After celebrating Lohri while her entire family was resting at home, in their neighbourhood, Vikas and his family were also celebrating Lohri by doing Bhangra. Her husband Vicky was watching Vikas's dance in the street. Her (complainant's) elder daughter Preeti was also standing with her husband. Then, Sonia (granted bail vide order dated 20.03.2023 passed in CRM-M-12722-2023) wife of Rakesh Kumar told her (complainant's) husband Vicky that he was keeping a bad eye on her (Sonia's) daughter-in-law Anu Bharti (granted bail vide order dated 20.03.2023 passed in CRM-M-12722-2023).

CRM-M-22306-2023

-2-

Thereafter, Anu Bharti started using abusive language with Vicky. Vicky thereafter came into the house. Following him, Sonia and Kajal (granted bail vide order dated 20.03.2023 passed in CRM-M-12722-2023) also entered the house and started scuffling with her (complainant's) husband. They picked up a burning stick and gave a hit on his (Vicky's) face. In the meantime, Sonia's son Vishal (petitioner) and son-in-law Raman Kumar also came to the spot. Raman Kumar raised a *Lalkara* that her (complainant's) husband Vicky kept a bad eye on their (accused party) women. On this, Sonia's son (Vishal) gave a blow on the jaw of Vicky who fell down and the backside of his head struck the edge of the stairs and he became unconscious. He was taken to the hospital, where he was declared dead.

3. The learned counsel for the petitioner contends that taking the allegations to be true, Vishal is stated to have given a blow with his hand on the person of Vicky (deceased). At best, it would be an injury attracting Section 323 IPC. As the petitioner was in custody since 07.02.2023 and none of the 21 prosecution witnesses had been examined, he was entitled to the grant of bail as he was a first time offender and whereas one co-accused Raman Kumar had been granted the concession of anticipatory bail by this Court vide order dated 07.02.2023 passed in CRM-M-4949-2023 (Annexure P-2), the other accused had been granted the concession of regular bail vide order dated 20.03.2023 passed in CRM-M-12722-2023 (Annexure P-3).

4. On the other hand, the learned State counsel contends that serious allegations have been levelled against the petitioner and therefore, he was not entitled to the grant of bail. He however, admits the period of

CRM-M-22306-2023

-3-

custody undergone by the petitioners, the stage of Trial as also the fact that there is one injury on the head of the person of the deceased which has been suffered on account of falling on the stairs.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is in custody since 07.02.2023. None of the 21 prosecution witnesses have been examined. No specific injury has been attributed to him except a blow with a hand. Therefore, it would be a matter of adjudication during Trial as to whether the petitioner could be convicted for the offences in question. At this stage, his further incarceration is not required as he is a first-time offender, one co-accused Raman Kumar has been granted the concession of anticipatory bail by this Court vide order dated 07.02.2023 passed in CRM-M-4949-2023 (Annexure P-2) and the other have been granted the concession of regular bail vide order dated 20.03.2023 passed in CRM-M-12722-2023 (Annexure P-3) .

7. Thus 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 and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

09.05.2023

JITESH

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