

CRM-M-22322-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.203

Case No. : CRM-M-22322-2023

Date of Decision : June 08, 2023

Rajesh Kumar @ Bunty
vs.

.... Petitioner

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Manvinder Sidhu, Advocate
for the petitioners.

Ms. Himani Arora, AAG, Punjab.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.0308 dated 20.11.2021, under Sections 452, 323, 324, 34 IPC, 1860, registered at Police Station Lambi, District Shri Muktsar Sahib.

2. The case in question was registered at the instance of one Rakesh Kumar son of Nathu Ram, who made statement that on 18.11.2021, at around 03:30 PM, he and his nephew Harpreet were present in their house. There was no main gate in their house. In the meantime, Bunty, Seepa, Goli and Babbu armed with dandas entered their house. On seeing them, Harpreet ran away and they chased him. Out of them, the complainant managed to stop one person namely Bunty and inquired about the matter from him but Bunty gave blow on his head, due to which blood started oozing out from his head. Thereafter, all the accused persons went back.

The complainant went to Civil Hospital, Mandi Dabwali for treatment. He came back at about 04:00 PM. The aforesaid four persons again came to the house of the complainant. Bunty was armed with kirpan, Seepa empty-handed, Goli armed with handle of kahi and Babbu armed with baseball. Then, Seepa gave kick blow on his private part and he fell down on the ground. While he was lying down, then Bunty, Goli and Babbu started inflicting blows on his person with their respective weapons. When he raised alarm, all the assailants fled away with their respective weapons.

3. Learned counsel for the petitioner has submitted that FIR was registered in November 2021 but the police did not take any action against the petitioner. No specific injury is attributed to the petitioner. All the injuries are simple in nature. All the offences are bailable except offence under Section 452 IPC. The petitioner is in custody since 16.03.2023. Keeping in view all these facts, the petitioner be released on bail.

4. Learned State counsel has opposed the prayer made by learned counsel for the petitioner. She has placed on record latest Custody Certificate of the petitioner and has fairly admitted that the petitioner is in custody for the last 02 months and 22 days. It has also been admitted by learned State counsel that the injuries on the person of the complainant are simple in nature.

5. Keeping in view the custody of the petitioner and the fact that the case is triable by Magistrate and also the nature of injuries, this Court is of the view that since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

6. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/ surety bonds, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

7. Pending applications, if any, shall stand disposed of along with this petition.

June 08, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.