

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

CRM-M-24061-2023 (O&M)

Date of Decision: 25.07.2023

Amit Kumar @ Mogli

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr. P.C with a prayer to grant regular bail in case FIR No.264 dated 08.12.2019 (Annexure P-1) under Sections 323, 324 and 34 of IPC (Section 325 and 326 of IPC added later on) registered at Police Station Division No.7, Ludhiana.

2. Learned counsel for the petitioner submits that as per the prosecution, the alleged occurrence had taken place on 03.12.2019, however the present FIR was registered on 08.12.2019 after a delay of 5 days, which remained unexplained. He further contends that occurrence had not taken place in the manner, as alleged in the present FIR and the injured Manga, son of the complainant had suffered the injuries due to fall from a common wall. However, later on, the complainant, in active collusion with the police, twisted the version and on the basis of a false statement made by the complainant, the present FIR was registered against the petitioner and others.

Learned counsel further contends that after the injured had suffered the injuries, both the parties were called to the police station and were falsely involved in the present case. Learned counsel further contends that the petitioner was arrested in the present case on 23.03.2023 and all the offences are triable by the Court of Magistrate. He further contends that challan has been present against him in the competent Court and further custody would serve no meaningful purpose.

On the other hand, learned State counsel has opposed the prayer made by the present petitioner on the ground that the petitioner had inflicted injury on the mouth and nose of the Manga, son of the complainant, by hitting him with a brick. He further contends that the said injury has been declared grievous in nature. However, he does not dispute the fact that the investigation has been completed in the present case and the petitioner is in custody for the last about four months.

I have heard the learned counsel for the parties and have perused the record.

Taking into consideration the totality of the facts and circumstances and without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

All other pending applications, if any, are also disposed of.

(N.S.SHEKHAWAT)
JUDGE

25.07.2023
hitesh

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