

2023:PHHC:076195

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24361-2023

Date of Decision: 25.05.2023

YUMAN @ ROSHAN LAL

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. M.S.Basra, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

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

2. Custody certificate has been placed 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 *kirpan* blow on the chest of the deceased. The petitioner alongwith co-accused, namely, Bharath Kumar, 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, which is still pending adjudication. 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. Three similarly placed co-accused namely Bishan Dass @ Bishu, Kamal Kumar @ Kamal and Bharath Kumar have been granted regular bail in terms of the order dated March 28, 2023, April 19, 2023 and May 03, 2023 passed in CRM-M-14653-2023, CRM-M-17181-2023 and CRM-M-20822-2023 respectively. The petitioner is in custody for a period of 1 year, 4 months and 04 days and not involved in any other case.

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

5. The allegations against the petitioner are to the effect that he along with co-accused have thrown brick bats on 3 persons and injuries are stated to be simple in nature. No specific injury has been attributed to the petitioner. The case of the petitioner is at par with Bishan Dass @ Bishu, Kamal Kumar @ Kamal and Bharath Kumar, who have been granted regular bail. The conclusion of trial is likely to take some 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.

25.05.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No