

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-25347-2023**

**Date of Decision:-28.07.2023**

**Naveen Kumar.**

.....Petitioner.

Vs.

**State of Punjab.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Mohan S. Chauhan, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

\*\*\*

**JASJIT SINGH BEDI, J.(ORAL)**

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.20 dated 11.01.2023 under Sections 394, 397 and 34 IPC registered at Police Station Model Town, Hoshiarpur, District Hoshiarpur, Punjab.

2. The brief facts of the case are that one Harpreet Singh got recorded his statement to the effect that he had stopped his car on the roadside for eating food. At that time two young men came on a motor cycle, opened the window of his (complainant's) car and gave him a *datar* blow which landed on his left hand. He (complainant) caught hold of the *datar*. The unknown boy pulled him (complainant) out of the car and a scuffle ensued between them. A sharp edged weapon injury was given on his (complainant's) chest. Meanwhile, one of the boys started his car and struck him because of which he received injuries on his left knee. Thereafter

the two persons fled away with his (complainant's) car and their motor cycle. A bag containing money was also taken away.

During the course of investigation, the complainant got recorded his supplementary statement that he suspected one Harpreet Singh @ Happy who had worked with him earlier as one of the persons who had assaulted him. Based on the said statement Harpreet Singh @ Happy was nominated as accused in person. He was arrested on 20.01.2023 and suffered his disclosure statement admitting that he along with Naveen Kumar (present petitioner) had committed the offence in question. On the basis of the said statement the present petitioner was nominated as accused.

During the course of further investigation, a Van used was also recovered. Harpreet Singh @ Happy also got recovered Rs.1,65,000/- along with the motor cycle. The petitioner was arrested in the present case on 20.01.2023 and got recovered Rs.40,000/- along with an icepick.

Pursuant to the conclusion of the investigation a report under Section 173 Cr.PC was presented.

3. The counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has not been named in the FIR but only in the disclosure statement of his co-accused. The recovery of the money and the icepick has been planted upon him. As the petitioner was in custody since 20.01.2023, none of the 17 prosecution witnesses had been examined so far and he was a first time offender, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand while referring to the reply dated 28.07.2023 contends that serious allegations have been levelled against the petitioner and his co-accused. Offences of this kind were on the rise and therefore, the petitioner did not deserve any sympathy

and was not entitle to the grant of bail. He however concedes that the petitioner is a first time offender, in custody since 20.01.2023, none of the 17 prosecution witnesses have been examined so far.

5. I have heard counsel for both the parties at length.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. At this stage the petitioner is in custody since 20.01.2023 and none of the 17 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation his further incarceration is not required.
7. Thus, without commenting on the merits of the case, the petitioner-**Naveen Kumar** son of Ashok Kumar is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.
9. In addition the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.
10. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

July 28, 2023  
Vinay

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