

CRM-M-25952-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 20.07.2023

Ranjit Kumar @ Ranjit Nepali

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Khalid, Advocate for the petitioner.

Mr. Virat Rana, AAG Punjab.

ARUN MONGA, J. (Oral)

Petitioner seeks bail in a case bearing FIR No.183 dated 21.07.2021, registered under Sections 452, 324, 323, 427, 506, 148 read with Section 149 IPC and Sections 307, 201, 325, 326 IPC (added later on) at Police Station Kotwali Nabha, District Patiala.

2. Per FIR, on 21.07.2021 at around 02:45/03:00 p.m., complainant/injured, namely, Charanvir Singh, an ICICI Bank employee, was sitting at the shop of Dada Finance owned by Major Singh Banera. That's when Ranjeet Kumar (petitioner herein) and Gurjinder Singh, both armed with kirpan, Lakha Bhalwan armed with *hathia*, Rajat, Ganna armed with rods, respectively along with 10/15 unknown assailants suddenly attacked him and inflicted multiple injuries on his arms. Resultantly, his both arms were rendered dysfunctional. They also inflicted injuries on back of his head. They even damaged the shop. On raising hue and cry, all the accused fled away. The motive behind the occurrence is stated to be revenge, as few days ago, when Ranjit Nepali (petitioner herein) had a scuffled with a few children taking bath at Rohti bridge canal, complainant along with Sunny and Happy, intervened. Petitioner then ran away from there on that day, but only to come back, as aforesaid. Petitioner is in custody since 14.01.2023.

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3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He further submits that other co-accused, who caused grievous injury, which attracts Section 325 IPC, have already been granted bail by a coordinate Bench of this Court vide orders contained at Annexures P-2, P-3 and P-4 respectively and as such, petitioner is entitled to concession of bail. His case is on better footing and in any case on parity alone he ought to be bailed out.

4. Per contra, learned State counsel, assisted by ASI Chamkaur Singh, opposes the bail petition. He submits that petitioner inflicted kirpan blow on the complainant. As per MLR, six injuries were inflicted on the complainant, out of which injuries Nos.2, 3 and 4 have been declared grievous in nature.

5. I have heard the rival contentions of learned counsels.

6. On a Court query, learned State counsel submits that challan has been presented against the petitioner but charges have not been framed. Being so, since trial has commenced, petitioner is not required for any further custodial interrogation. Allegations against petitioner are a matter of trial at this stage. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Trial is likely to take a long time whereas, petitioner has already been in jail for more than six months, he being behind bars since 14.01.2023. He being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/ or influence witnesses, particularly when he has clean antecedents.

7. Petitioner is stated to be 28-year old family man and only bread winner of his family, who are living in penury in his absence. Being a family man with fixed abode and clean antecedents and no other case pending against him, it is unlikely that he is at flight risk or will flee from the trial proceedings.

8. Moreover, co-accused Gurjinder Singh, Lakhvir Singh alias Lakha and Rajinder alias Rajat, who have inflicted grievous injuries and are the prime

accused, have been granted the concession of bail. Case of petitioner is at par with that of his co-accused, if not better, as is contended on his behalf.

9. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody in instant case.

10. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Magistrate, as the case may be.

11. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

12. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 20, 2023
Ajay

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