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2023:PHHC:079034

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

**CRM-M-26525-2023
DECIDED ON: 30th MAY, 2023**

DEEPAK KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 168, dated 03.11.2022, under Sections 307, 323, 341, 148 and 149 IPC, registered at Police Station PAU, District Ludhiana.

2. Learned counsel for the petitioner has contended that no role whatsoever has been attributed to the petitioner and neither it is apparent from the perusal of FIR itself. He has also drawn attention of this Court to the MLR whereby, one injury has been referred on the head of the son of the complainant and in the CCTV footage only one person i.e. Suraj Singh, co-accused of the petitioner could be seen giving an iron rod blow on the head of the injured victim.

It is the contention of the counsel deriving strength on the basis of the afore-said

facts that it is a case of single injury on the head, which has been attributed to the co-accused Suraj Singh, the petitioner has been falsely implicated attracting Section 307 IPC against him wherein all the ingredients are missing for implicating the petitioner in the FIR.

3. The custody certificate of the petitioner filed by the counsel for the State is taken on record, who prays for dismissal of the present petition stating that the custody period is less i.e. 6 months and 21 days only and the petitioner has played an active role in connivance with the main accused namely Suraj while inflicting the injury on the head of the son of the complainant with an iron rod.

4. Having heard learned counsel for the respective parties and examining the record as available before this Court including the custody certificate, which depicts that the petitioner is not involved in any other case of any nature whatsoever showing his clean antecedents apart from that as per the CCTV footage, the petitioner has not been seen at the place of occurrence and the fact has not been disputed by the counsel for the State that the case is of one injury alone, which attributed to the co-accused namely Suraj from whom recovery of the weapon used in commissioning of offence, has already been effected who is already behind the bars.

5. This Court has also borne in mind while adjudicating the present petition that the trial is still going on a snail's pace wherein, out of 15 prosecution witnesses none has been examined so far wherein, conclusion of trial certainly take long time, this Court is of the view that no useful purpose would be served and even otherwise as per the law laid down by the Apex Court in the case of **“Data Ram vs. State of UP and another”; 2018((2) RCR (Criminal) 131**; the petitioner cannot be put in custody for an indefinite period.

6. Hence, the petitioner is directed to be released on regular bail on his furnishing surety/personal bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
7. The present petition stands allowed in the afore-said terms.

30th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>