

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

224-CRM-M-27676-2023

Date of Decision: 02.06.2023

YOGESH RANA

... Petitioner

VS.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. RK Rathore, Advocate for the petitioner

Mr. Mohit Chaudhary, AAG Punjab

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.0061 dated 23.02.2023 under Sections 323/326/452/506/148/149 IPC registered at Police Station City Kharar, District SAS Nagar.

Learned counsel for the petitioner has submitted that the present FIR is based on false and wrong narration of facts. He has further submitted that the petitioner was arrested by the police on 24.02.2023 and is in judicial custody for more than 60 days and nothing has to be recovered from the petitioner. The allegation against the petitioner is that the petitioner along with his other co-accused had forcibly entered the hostel of the complainant and he and his other co-accused had inflicted various injuries on the person of the complainant and his friends, thereby cutting his two fingers with the sword blow. Reliance has been placed on **Kalyan Chandra Sarkar vs. Rajesh Ranjan (2005) 2 SCC 42** to contend that even persons accused of non-bailable offences, are entitled to bail.

Notice of motion.

On the asking of the Court, Mr. Mohit Chaudhary, AAG Punjab accepts notice. He has filed custody certificate dated 31.05.2023 which is taken on record. According to which, the petitioner has undergone 3 months and 2 days of actual custody. He opposed the prayer of the petitioner on the ground that the petitioner had forcibly entered the hostel of the complainant and inflicted various injuries thereby cutting two fingers of the complainant with the sword blow.

Considering the fact that the petitioner is appearing in 6th semester, Computer Sciences Course in the same Polytechnic College of the complainant and the exams thereof have already commenced from 24.05.2023 and in the light of the law laid down in Kalyan Chandra Sarkar's case (supra) and also taking into account the custody period of the petitioner which is 3 months and 2 days and keeping in view the fact that there are no criminal antecedents of the petitioner as he has been not found involved in any other case as also the fact that the trial is likely to take long time and particularly when no useful purpose would be served keeping the petitioner behind the bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

02.06.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No