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(208)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27267-2023

Date of Decision: 01.06.2023

PARVEEN KUMAR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vishal Mittal, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.159 dated 10.09.2022 registered under Sections 458, 325, 324, 148 and 149 IPC (Section 326 IPC added later on) at Police Station Passiana, District Patiala, Punjab.

2. The brief facts of the case are that one Jai Bhagwan son of Mahinder Ram made a complaint to the Investigating Agency seeking the registration of an FIR against Parveen Kumar (petitioner) son of Sarabha Ram, Harwinder Singh son of Jaspal Singh and Jaswinder Singh son of Gurbachan Singh with the allegations that he was an agriculturist. On 09.09.2022, he was present at his house and a Jagrata was going on. Then Parveen Kumar (petitioner), Jaswinder Singh and Harwinder Singh along

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with 3-4 unidentified persons came into his home. Parveen Kumar (petitioner) gave a sword blow with his hand on his (complainant's) head. Harwinder Singh gave a sword blow on his (complainant's) left arm, left hand and left shoulder. The other persons gave many blows with iron rods and sticks. He (complainant) became unconscious on account of loss of blood. Balkar Singh and Darshan Singh tried to rescue him but they also got injured. Legal action was sought.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. The injury on the person of the injured complainant is a fabricated one. As the petitioner was in custody since 27.01.2023 and none of the 21 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail, moreso, when in the two other cases registered against him bearing FIR No.166 dated 26.08.2019 under Sections 307, 452, 323, 324, 427, 506, 148, 149 IPC read with Section 25 of Arms Act at Police Station Passiana, District Patiala and FIR No.162 dated 162 dated 13.09.2022 under Sections 379-B, 323, 324, 341, 506, 148, 149, 109, 201 IPC at Police Station Passiana, he has been granted the concession of bail by the Trial Court and this Court.

4. On the other hand, the learned State counsel contends that the petitioner is a main accused. The injury attracting Section 326 IPC has been attributed to him. He was an accused in two other cases and therefore, his criminal antecedents did not entitle him to the grant of bail. She, however,

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concedes that the petitioner is in custody since 27.01.2023, none of the 21 prosecution witnesses had been examined so far and in the two other cases registered against the him, he has been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. Admittedly, the petitioner is in custody since 27.01.2023 and none of the 21 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. As such, his further incarceration is not required, moreso, when in the two other cases registered against him, he has been granted the concession of bail vide orders dated 31.01.2020 passed by the Judge Special Court, Patiala and 01.06.2023 passed by this Court in CRM-M-27163-2023.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Parveen Kumar son of Sarabha is ordered to be released on bail subject to his furnishing bail bonds and surety bonds 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 each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the

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State would be at liberty to move an application for cancellation of bail granted vide this order.

10. 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 trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

01.06.2023

JITESH

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