

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

(I) CRM-M-28439-2022 (O&M)

Kanish Kumar @ Love	Versus	Petitioner
State of Punjab		Respondent

(II) CRM-M-26251-2022 (O&M)

Love Kumar @ Love	Versus	Petitioner
State of Punjab		Respondent

Date of Decision: 06.02.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ankit Kharbanda, Advocate, for the petitioner
in CRM-M-28439-2022.

Mr. Vaibhav Narang, Advocate, for the petitioner
in CRM-M-26251-2022.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose off the aforesaid two petitions i.e. CRM-M-28439-2022 and CRM-M-26251-2022 filed on behalf of Kanish Kumar @ Love and Love Kumar @ Love seeking grant of regular bail in respect of a case registered against them vide FIR No.0241 dated 27.05.2020 at Police Station Islamabad, Amritsar, under Sections 307, 506, 148, 149 IPC (while Section 452 stands deleted, Sections 323, 324, 326 & 450 IPC stand added later on).
2. The FIR in question was lodged at the instance of Rishi Sharma, wherein it is alleged that on 26.05.2020 at about 7 p.m., when he was present in his house alongwith his friend Karan Devra, then 6-7 boys out of whom he

recognized some as Love resident of Santa Ram Saran, Love son of Ashok Kumar resident of Damganj, Mani Mattu resident of Wadda Haripura, Aarv Sharma, Rahul, Keshav Patial and Amit Sharma, who were all carrying sharp edged weapons, *datars* etc. as well as 2-3 other unidentified boys were standing outside his house. It is alleged that all the aforesaid 7 persons had entered into the house while raising *lalkaras*. Kanish Kumar @ Love inflicted a blow with *datar* on complainant's head, which hit him in the middle of his head. Amit Sharma @ Bhichi is stated to have given a blow with *datar* aiming the same towards complainant's head, but he warded off the same by raising his right arm as a result of which he sustained injury on his right elbow. Mani Mattu gave a blow with *datar* hitting abdomen of the complainant. When the complainant's friend Karan Devra came forward to rescue him, Amit Sharma @ Bhichi attempted to give a blow with *datar* on his head, but Karan Devra bent down as a result of which he sustained an injury on his neck. The complainant and Karan Devra ran out of house while raising alarm.

3. Learned counsel for the petitioners has submitted that the instant FIR came to be lodged under some misunderstanding and that when the complainant/injured as well as injured were examined during the proceedings of trial, none of them supported the case of prosecution. Learned counsel for the petitioners have today passed on photocopies of the statements of the aforesaid two witnesses i.e. PW-3 Rishi Sharma (complainant/injured) and PW-4 Karan Devra (injured), wherein both of whom have categorically stated that the accused present in Court are not the persons, who had inflicted injuries.

4. On the other hand, Learned State counsel opposed the petitions on the ground that it is a case where the petitioners have been able to win over the complainant and the injured. Learned State counsel has, however, informed that both the petitioners as on date have been behind bars since the last more than 2 ½ years. It has been informed that while petitioner - Kanish Kumar @ Love stands involved in 6 more cases, petitioner – Love Kumar @ Love stands involved in 2 more cases. It has also been informed that as on date only 4 out of cited 17 PWs have been examined.
5. This Court has considered rival submissions.
6. It is no doubt correct that specific allegations have been leveled against both the petitioners, who are named in the FIR. However, this Court finds that neither the complainant nor the injured have supported the case of prosecution when they were examined during the proceedings of trial. The petitioners have been behind bars for a substantial period of more than 2 ½ years. In these circumstances, further detention of the petitioners will not serve any useful purpose as the conclusion of trial will take some time inasmuch as only 4 out of cited 17 PWs have been examined till date. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the connected file.

06.02.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

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