

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-30890-2023 (O&M)

Date of Decision:07.07.2023

Pardeep Kumkar @ Pakia

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Navneet Jindal, Advocate for the petitioner.

Ms.Navreet Kaur Barnala, AAG, Punjab.

AVNEESH JHINGAN J.(Oral)

1. This petition is filed seeking regular bail in case of FIR No.130 dated 13.09.2021 under Sections 323, 324, 341, 326, 148, 149 and 201 IPC registered at P.S. Balongi, District SAS Nagar, Punjab.

2. Learned counsel for the petitioner claims parity with co-accused Sandeep Kumar, who was granted regular bail by this court on 30.05.2022.

3. On 30.05.2022, the following order was passed :-

“Prayer is for grant of regular bail in case having FIR No.0130 dated 13.09.2021 registered under Sections 323, 324, 341, 506, 326, 148, 149, 201 IPC at Police Station Balongi, SAS Nagar, Mohali.

Notice of motion.

On asking of the Court, Ms. Samina Dhir, DAG, accepts notice on behalf of State of Punjab.

As per the allegations levelled in the FIR, on 12.09.2021

shop and at that time, petitioner armed with axe and other co-accused armed with different weapons came there and started giving beatings to him and caused injuries on his right leg, arms and back with the help of dagger etc. The complainant raised an alarm which attracted his brother Ravi Sharma and father Devraj on which the accused persons also attacked Devraj and caused injuries to him.

The petitioner was arrested on 26.01.2022 and is presently lodged in judicial custody. As has been stated by the State counsel, after completion of investigation, challan has been presented but trial is yet to commence. The counsel for the petitioner has brought to notice of this Court that co-accused Rohit has already been granted ad interim anticipatory bail vide order dated 6.4.2022 on the ground that the grievous injury was not specifically attributed to said Rohit. The counsel for the petitioner has further contended that even no specific injury has been attributed to present petitioner Sandeep Kumar, which fact has not been disputed by the State counsel. The State counsel has challenged the present petition on the ground that the petitioner is also involved in one another criminal case. However, the counsel for the petitioner clarified that the petitioner has already been granted bail in the said criminal case.

Admittedly, the trial is yet to commence and it will take time for culmination of the trial. So no purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus, without commenting on the merits of the case, the

present petition is allowed and the petitioner is ordered to be

released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.”

Learned State Counsel opposes the prayer for grant of bail, however, is not disputing the fact that investigation is complete, challan presented, petitioner is not involved in any other case and no recovery is to be made from him.

Without commenting on the merits of the case, considering the nature of allegations, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned and though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application(s), if any, is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

07.07.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No