

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-32831-2023

Date of Decision:-31.08.2023

Pawan Kumar @ Pamma.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gagandeep Singh Simble, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.204 dated 04.10.2019 under Sections 307, 324, 452, 427, 148, 149 IPC (Section 326 IPC added later on) registered at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

2. The brief facts of the case are that statement of Jatinder Kumar was recorded to the effect that he along with his father Ramesh Kumar had come to meet his sister Sapna wife of Vijay Kumar at Gandhi Camp Batala. In the meanwhile, his brother-in-law Vijay Kumar came back to his home and informed them (complainant party) that his (Vijay Kumar's) phone had been taken away by someone and he (Vijay Kumar) had brought it back with great difficulty. While they were talking, Satpal armed with *datar*, Sabbi

armed with *Kirpan*, Aman armed with *datar*, Pawan @ Pamma (petitioner) carrying a *datar* and Jagga came to the house of his sister Sapna. On arriving Jagga kicked the door of the room and raised a *lalkara* that Vijay Kumar was to be taught a lesson. Meanwhile, Sabbi gave a *kirpan* blow towards him on his head which struck the back side of his head. Satpal attacked with a *datar* on his head. Then Aman gave him a *datar* blow which struck his nose and upper lip. His jaw got fractured. Pawan @ Pamma (petitioner) tried to hit him on his head with a *datar* but as he raised his left arm and the *datar* struck his left wrist. On seeing him being beaten up, his brother-in-law and father came to his rescue. Then Sabbi gave a blow with his *kirpan* on his brother-in-law Vijay Kumar which struck him on the head. Thereafter on seeing the family members and the people of the locality gathering at the spot all the accused fled away. He was admitted to the hospital by his family members. Legal action was sought.

3. The learned counsel for the petitioner contends that no offence under Section 307 IPC is made out. Raman Kumar, Satpal and Jagga have already been granted the concession of bail. Though the petitioner had been declared a proclaimed offender, he was arrested on 29.04.2022 after which he is continuing in custody. As none of the 28 prosecution witnesses had been examined so far and in the other cases registered against the petitioner he has been granted the concession of bail, he was entitled to the similar concession in this case as well.

4. The Counsel for the State on the other hand has filed a reply dated 31.08.2023 and the same is taken on record. He contends that the petitioner along with his co-accused brutally assaulted the complainant. Specific injuries have been attributed to the petitioner. The petitioner had absconded and had been declared a proclaimed offender. He was an

accused in two other cases as well. In the facts and circumstances of the present case the petitioner was not entitled to the concession of bail. He however concedes that the petitioner is in custody since 29.04.2022, none of the 28 prosecution witnesses have been examined so far and in the two other cases, 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 and his co-accused shall be established during the course of the Trial. Admittedly, the petitioner is in custody since 29.04.2022 and none of the 28 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this view of the matter, his further incarceration is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Pawan Kumar @ Pamma** son of Sh. Satpal Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any other case other than the cases mentioned this order.

10. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

11. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 31, 2023
Vinay

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