

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35776-2023

Date of decision: 12.12.2023

PARVEEN KUMAR

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Batra, Advocate for the petitioner.
Mr. IPS Sabharwal, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the present petition is made for grant of regular bail in case FIR No.53 dated 28.04.2021 registered under Sections 307, 458, 323, 324, 326, 506, 148, 149, 201 of Indian Penal Code and Sections 25, 54 and 59 of Arms Act at Police Station Nurpur Bedi, District Rupnagar.

2. The present FIR was registered on the statement of Maninder Singh alias Manni on the allegations that on 27.04.2021, he was taking a walk inside his house at 8:30 PM, in the meantime, some persons came on the motorcycles from the main road and stopped inside court yard of his house. Jatinder Singh raised *lalkara* and gave *gandasi* blow, which hit on his right shoulder. Binda @ Rab gave a sword blow on his left bicep. Raja exhorted his co-accused that he should not escape and fired a shot from his pistol which hit him above the right elbow on the bicep and pierced through the skin. He fell down and raised alarm, which attracted employee of the liquor vend namely Pardeep Singh. In the meantime Pinnu (petitioner herein), who was having '*dat*' gave a '*dat*' blow, which hit on the head of Pardeep Kumar, who was trying to save the complainant-Maninder Singh. Thereafter, all the assailants gave injuries to them.

3. The learned counsel for the petitioner *inter alia* contends that

petitioner is not named in the FIR and no injury is attributed to him and the FIR was registered on 28.04.2021 and on completion of investigation, challan was presented on 19.06.2023 and after two years, the petitioner was arrested on 03.05.2023. It would be a moot point to be determined by the trial Court whether the petitioner is known by the name of Pinnu and his identity is established.

4. Per contra, learned State counsel opposes the grant of regular bail to the petitioner on the ground that he is involved in one more case and the complainant has not been examined till today and in case, the petitioner is released on regular bail, he may influence the witnesses.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that two of the co-accused namely Kuldeep and Balwinder Singh alias Binda alias Rab have been granted anticipatory bail by this Court on 17.01.2022 (Annexure P-2) and on 23.02.2023 (Annexure P-3) respectively. The petitioner is behind the bars since 03.05.2023. The investigating agency after completion of investigation has already submitted a report under Section 173 of Cr.P.C. on 19.06.2023. The trial of the case has not made any progress as out of 17 prosecution witnesses cited, none has been examined so far and the trial of case would likely to take long time to conclude. The culpability of the petitioner would be seen at the time of the trial.

6. Accordingly, the present petition is allowed. The petitioner Parveen Kumar is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

December 12, 2023

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(HARPREET SINGH BRAR)
JUDGE

- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No
Yes/No