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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47873-2022 (O&M)

Date of decision : 11.04.2023

Ajay Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.S.Gandhi, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

CRM-6320-2023

Application is allowed as prayed for.

Annexure A-1 is taken on record.

Main case

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.141 dated 31.07.2012 registered under Sections 323, 324, 325, 506, 120-B, 148 and 149 Indian Penal Code, 1860 registered at Police Station Division No.8, Jalandhar, who is in custody since his arrest on 22.03.2022.

The FIR was registered on the statement of complainant, namely, Ajay Kumar son of Om Parkash, who alleged that on 30.07.2012, in the evening, he was sitting in his shop, accused Chetan @ Jojo armed with gandasi, Sukha armed with base ball bat and Ajay Kumar came there and pulled him out of the shop. Then Sukha gave base ball bat blow on his right

arm, Jojo @ Chetan gave gandasi blows on right side of his face and his ear got chopped off. When he was lying on the ground, Ajay Kumar (petitioner) gave kick blows to him. Upon raising alarm, complainant's father reached on the spot, thereafter, all the assailants ran away alongwith their respective weapons. On these broad allegations, FIR was registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there is no other case pending against him. He further submits that only kick blows have been attributed to the petitioner and he was wrongly declared as proclaimed offender. According to him, the petitioner surrendered before the trial Court on 22.03.2022, and trial is likely to take long time as only one prosecution witness has been examined so far out of total seven witnesses. He submits that the trial in respect of the co-accused, namely, Jaspreet Singh @ Jojo ended in his conviction, who was released on probation on 02.01.2018. He prays for bail.

On the other hand, learned State counsel assisted by ASI Rakesh Kumar has opposed the prayer on the ground that the petitioner actively participated in the crime and caused injuries to the victim. However, she does not dispute this fact that the petitioner is not involved in any other case and after petitioner's arrest only one prosecution witness has been examined out of total seven witnesses.

After hearing learned counsel for the parties, considering the above background particularly the nature of offences as well as custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

11.04.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No