

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

CRM-M-39461-2023

Date of Decision:18.08.2023

Vinesh Kumar @ Raju

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vijay Kumar Goyal, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr. P.C. with a prayer to grant regular bail to him in case FIR No.338 dated 22.12.2021 under Sections 325, 323 of IPC (offence under Section 308 IPC added later on) registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1).

2. The FIR in the present case was got registered by Manjeet Singh son of Balvir Singh by alleging that Vinesh @ Raju was also employed as cultivator with him in the house of Dilraj Singh. On 12.12.2021, the family of Dilraj Singh had gone somewhere and had deputed his father as a guard of the house. When his father did not return at home, he had visited the house of Dilraj Singh and found that his father and Vinesh @ Raju were abusing each other over some issue. In his presence, petitioner Vinesh @ Raju picked up spade meant for dung collecting and gave two blows on his father's head. The complainant and his father raised a noise to save them and the accused fled

away from the spot with his weapon of offence. After arranging the vehicle, Balvir Singh was shifted to the hospital.

3. Learned counsel for the petitioner submits that the occurrence had taken place in the present case on 12.12.2021, whereas the FIR in the present case was got registered by the complainant on 22.12.2021. Learned counsel further contends that in the present case, the offence under Section 308 IPC has been added by the police in collusion with the complainant and no offence is made out against him. Learned counsel further contends that the petitioner was arrested in the present case on 15.12.2022 and is in custody since then. He further contends that the complainant has already been examined by the police and the injured has already living a healthy life without any medical complication. Learned counsel further contends that no other case was registered against him and has clean antecedents. Learned counsel further contends that only 01 witness out of 19 witnesses has been examined so far and the Trial Court may take considerable time to conclude the trial.

4. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and is not entitled for concession of bail.

5. I have heard the learned counsel for the parties and with their able assistance, I have perused the record carefully.

6. It is admitted case that the petitioner was arrested in the present case on 15.12.2022 and is in custody for the last more than 08 months. Only 01 witness out of 19 witnesses has been examined so far and the further custody of the petitioner will serve no meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

18.08.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No