

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41976-2022

Decided on : 17.07.2023

Vijay

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Mr. Padamkant Dwivedi, Advocate for
Mr. Vineet Sehgal, Advocate for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.02 dated 01.01.2018 under Section 307, 452, 323, 324, 148, 149 IPC (Section 450, 427, 341, 326 and 120-B IPC added later on) registered at Police Station Guru Harsahai District Ferozepur.

2. Learned counsel for the petitioner *inter alia* contends that the FIR in question was registered against six unknown persons. As per allegations, the six unknown persons after coming to the shop of the complainant, in a Scorpio car inflicted severe injuries to him with sharp edged weapons. In support of his submissions, learned counsel has drawn the attention of this Court to the FIR (Annexure P-1). While further drawing the attention of this Court to the contents of the FIR, learned counsel has

submitted that after being admitted to the hospital on 26.12.2017, even though the injured-complainant was declared fit, however, he did not get his statement recorded and rather stated that he would get it recorded only after consulting his relatives. Thereafter after a lapse of six days neither any statement was made by the injured nor his relatives. Learned counsel has submitted that the occurrence in question took place on 26.12.2014, however, in a statement made under Section 161 Cr.PC by the injured Vinay Kumar on 16.10.2019 i.e. after almost two years, the petitioner came to be nominated as an accused and subsequently arrested in the FIR in question. Learned counsel has vehemently argued that it was evident that a false case had been planted on the petitioner, which needed to be appreciated in the light of the fact that no description had been given in the FIR by the complainant about the alleged assailants, who had attacked him. It has also been submitted that in the facts and circumstances, more so, when the charges have not yet been framed further incarceration of the petitioner, who has now been in custody for more than three years having been arrested on 04.03.2020, would not serve any useful purpose.

3. Per contra, learned State counsel assisted by counsel for the complainant while opposing the prayer made by the counsel opposite have submitted that no doubt, the FIR in question was lodged against unknown persons, however, pursuant to a supplementary statement made by the injured-complainant before the SIT on 16.10.2019, the role of the petitioner in the crime in question had come to the fore. It has been submitted that at

the time of alleged occurrence the petitioner was armed with a customized hockey shaped iron weapon having a wooden handle. The petitioner along with co-accused actively participated in the occurrence in question by inflicting injuries on the injured-complainant as a result of which, he sustained as many as 17 injuries including an injury dangerous to life.

Learned State counsel while drawing the attention of this Court to the reply filed by it, has further submitted that challan qua the petitioner was presented on 12.05.2020, however, charges have not yet been framed as subsequently role of 11 more persons in the crime in question came to light, qua whom investigation was underway. One of the co-accused Kamal Narain @ Sonu Sekhon was yet to be arrested.

4. On a pointed query put to the learned State counsel qua the criminal antecedents of the petitioner, he, on instructions has apprised the Court that the petitioner does not have any criminal antecedents and there is no criminal case registered against him other than the FIR in question.

5. Heard learned counsel for the parties and perused the relevant material on record.

6. After the challan was presented on 12.05.2020, the trial has come to a virtual stand still as even the charges have not yet been framed as an SIT stands constituted and investigation is underway qua the other accused. It is thus, evident that the trial would take considerable time to conclude. The petitioner, as also conceded by learned State counsel, on instructions, is not involved in any other criminal case except the present one. Hence, in the

facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case. Needless to add, that in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of bail granted to him.

17.07.2023
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(MANJARI NEHRU KAUL)
JUDGE

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