

CRM-M-40841-2023

(217)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40841-2023

Date of Decision: 24.11.2023

NEERAJ

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bhawesh Chaudhary, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.53 dated 10.07.2023 registered under Sections 324, 307, 148, 149 IPC, 1860 at Police Station Lambra, District Jalandhar.

2. The present FIR came to be registered at the instance of Jagtar Singh son of Tarsem Singh who stated that while he was waiting near a bus on the side of the Jalandhar-Nakodar road waiting for his companions, in the meantime 4-6 youth came on 2-3 motorcycles and some of those youth holding kirpans in their hands. One of them gave him a blow of the kirpan which struck his neck while another unknown youth attacked him with a dattar which struck his arms. On shouting, the Sangat came out and on seeing the same all the unknown youth sped away on their motorcycles with their weapons. He had come to know that one of the young men who had beaten

him up along with his friends was Neeraj (petitioner) son of Kulwinder and he could recognize if they were brought before him.

The petitioner was arrested on 11.07.2023 and got recovered the iron dattar. He disclosed the name of Sagar (juvenile accused). Sagar subsequently disclosed the name of Anmol.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case due to personal grudge in the village. In fact, the complainant and others used to convert members of a community to another religion which had led to various clashes between different factions. However, taken the prosecution case to be correct, only simple injuries had been attributed to the petitioner whereas the injury attracting Section 307 IPC had been attributed to one Anmol. As the petitioner was a first-time offender, in custody since 11.07.2023 and none of the 12 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner was entitled to the concession of bail.

4. A short reply dated 23.11.2023 by way of an affidavit of Balbir Singh, PPS, Deputy Superintendent of Police, Sub Division Kartarpur, District Jalandhar (Rural) has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the petitioner along with his co-accused brutally attacked the complainant causing serious injuries to him. Therefore, he was not entitled to the concession of bail. He, however, concedes that injury attracting Section 307 IPC has been attributed to Anmol (co-accused) and the petitioner has only been attributed simple injury. He also concedes that the

petitioner was a first-time offender, in custody since 11.07.2023 and none of the 12 prosecution witnesses had been examined so far.

- 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 adjudicated upon during the course of the Trial. Admittedly, the petitioner is stated to be a first-time offender, in custody since 11.07.2023 and none of the 12 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.
- 7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Neeraj son of Kulwinder is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
- 8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

24.11.2023
JITESH

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