

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-43577-2022 (O&M)

Date of Decision: 27.3.2023

Rahul Kumar alias Rahul Singla

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Tejinder Pal Singh Bawa, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.293 dated 6.8.2021 registered for the offences punishable under Sections 302, 307, 323, 325, 326, 148, 149, 120-B IPC at Police Station City Kharar, District SAS Nagar (Mohali).

Counsel for the petitioner contends that indeed, the petitioner was named in the FIR but only allegations against him are that the petitioner caused injury to complainant-Jatinder Kumar with base ball bat. He further submits that there are no allegations that the petitioner caused any injury to deceased Rakesh Kumar. He further submits that the petitioner is in custody for the last more than 1 year and 7 months and is having no criminal history and during investigation, only one base ball bat is stated to be recovered at the instance of the petitioner. He further contends that after completion of investigation, the police has already presented the challan and it will take

considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

Present petition is contested by the State counsel who submits that FIR in the present case was registered on the basis of statement of Jatinder Kumar with regard to murder of Rakesh Kumar and the petitioner was named in the FIR. State counsel further submits that the petitioner was arrested and the base ball bat was recovered at the instance of the petitioner by the police. He further submits that after completion of investigation, challan has been presented and now the trial has begun.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner has been named in the FIR. However, State counsel failed to show that any specific injury was caused by the petitioner to deceased-Rakesh Kumar. As per allegations in the FIR, it appears that the petitioner was armed with base ball bat and he caused injury on the right leg of the complainant at the time of the occurrence. Complicity of the petitioner in the murder of Rakesh Kumar is to be unfolded during the trial. Undoubtedly, after completion of investigation, the police has presented the challan but it will take time for conclusion of trial and the petitioner is in custody for the last more than 1 year and 7 months and is having no criminal history. Similarly situated co-accused Rajesh Kumar @ Rajesh Mishra is already given benefit of regular bail vide order dated 15.7.2022 passed in CRM-M-7983-2022 (Annexure P-3) by this Court.

In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 27, 2023
Paritosh Kumar

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