

CRM-M-45143-2023

Date of Decision: 07.11.2023

Raju Singh @ Raj Kumar

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. J.S.Cheema, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.25 dated 21.05.2023 registered under Sections 323, 341, 506, 34 of IPC and later on added offence under Section 307/325 IPC, at Police Station Cheema, District Sangrur.

2. As per allegations levelled by the complainant Kulvir Singh son of Bhagwan Singh, on 20.05.2023, Kulvir Singh and his wife Kiranpal Kaur were talking to each other in their house after taking meals. At about 8.30 p.m., complainant had heard some noise outside of his house. Complainant came outside of his house and he had seen in the street light that Raju Singh armed with stick was present in their lane. Complainant Kulvir Singh asked reason from Raju Singh about his presence. In the meantime, Laddi Singh, their neighbour armed with Gandasi, Janti Singh armed with stick came there and

they all the three encircled complainant Kulvir Singh. Kiranpal Kaur wife of complainant also attracted to spot. Then Laddi Singh gave blow with Gandasi on the head of complainant Kulvir Singh. Complainant in order to rescue himself started running towards chowk side. All the three assailants chased complainant Kulvir Singh and complainant was made to fall on ground at chowk near the house of Hari Singh. At that time, street light was on at that chowk. Then Janti Singh gave blow with stick on the left leg of complainant and he gave another blow on the left thigh of complainant. Raju singh gave blow with stick on the right wrist of complainant. Then Laddi Singh gave continuous blows with Gandasi on the head of complainant. Complainant raised alarm Marta-Marta. The assailants gave more injuries on the person of complainant with their respective weapons and then, they fled away from the spot as people started gathering there. Such assailants might have killed complainant Kulvir Singh, in case he was not rescued by the people gathering at spot. With these broad allegations, the present FIR was registered against the petitioner.

3. Learned counsel for the petitioner contends that as per allegations levelled by the complainant, the petitioner had caused injury with a stick on the right wrist of the complainant. However, the said injury was simple in nature. He further contends that the injury, which attracted the offence under Section 307 IPC, is not attributed to him and was rather attributed to Laddi Singh, non-applicant/co-accused. He further contends that even the offence under Section 307 IPC has been wrongly added in the present case, without obtaining any medical opinion from the Board of Doctors. As per learned counsel, the petitioner was arrested again on 04.06.2023 and is in custody since then. He

further contends that challan has already been presented in the present case and further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against him.

5. I have heard the learned counsel for the parties and perused the record.

6. It is apparent that the petitioner was earlier arrested on 23.05.2023 and was granted the concession of bail. However, again the offence under Sections 307/325 of IPC was added and the petitioner was taken in custody on 04.06.2023. Now, the petitioner is in custody for the last more than 5 months and 4 days. The challan has already been presented before the Competent Court and further custody of the petitioner will not serve any meaningful purpose.

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

(N.S.SHEKHAWAT)
JUDGE

07.11.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No