

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

CRM-M-47895-2022

Date of decision : 05.07.2023

Ajay Kumar @ Ajju

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Bikramjit Singh Baath, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.57 dated 17.03.2023, registered for offences punishable under Sections 307, 451, 323, 148 and 149 of IPC at Police Station Bhargo Camp, Jalandhar.

2. Counsel for the petitioner submits that the petitioner was not initially named in the FIR which was registered on the basis of statement made by Karnail Singh w.r.t. injuries suffered by Amit Taneja s/o Vijay Taneja the victim on 16.03.2022. On 01.04.2022, following statement of Amit Taneja was recorded:-

“Stated that I am residing at abovesaid address and do work of cloth by foot. My friend Karnail Singh @ Billa s/o late Harbans Singh r/o H.No. 3326, Chapli Chowk, Bhargo Camp Jalandhar is my old friend. On 16.03.2022 time

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would be around 6.45 pm. I Karnail Singh @ Billa who is working as wood charcoal on the shop near his house and I was sitting with him, then three persons came on one activa number PB08-DU-3169 colour brown, out of them Deepu resident of Abadpura Jalandhar do work in Corporation Jalandhar present in the office and second Harsh @ Shiva Gill resident of Rasta Mohalla Jalandhar armed with Iron rod, third person resident of Geeta Colony, Kala Sanghaya Road Jalandhar armed with iron rod to whom I can identified when he come front to me. On coming there Deepu gave his dasti datar blow upon me, which hit on the backside of my head and Harsh @ Shiva Gill gave another dasti rod blow upon me, which hit on the right side of my head and I drenched with the blood. Then third person gave dasti iron rod blow upon the Karnail Singh @ Billa, which hit on the right arm. Due to the heavy weight of Billa he had fell down near the wood weight machine. Meanwhile, on the another activa three attackers have come. The rider was come on the white colour vehicle but I do not know anything about the weapons they had with them. All who used to call me Billa that today it has to be killed. They were 6 persons and we were two and during fight Billa was also fallen and then the assailants have given the beatings to him. Thereafter the assailants who came, out of them one has given the rod blow on my right arm and my right arm got fracture near the wrist. I became unconscious, after two days I have gained my conscious and found admitted myself in Satyam Hospital Jalandhar. Legal action be taken against three six persons.”

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3. Thereafter, on 15.06.2022, the victim suffered a supplementary statement improving his initial version and in this statement for the first time, the name of the petitioner cropped up and he was assigned the role of having given stick blow on the person of the victim in the following terms:-

“Stated that I am residing at abovesaid address and do work of cloth by foot. On 16.03.2022 the wood shop of Karnail Singh in concern of beating to me and Karnail Singh, on the statement of Karnail Singh abovesaid case has been registered and in this fight I have received the serious injuries on my head that time I was not conscious. Therefore, I have given my statement before ASI Jagdish Lal on 01.04.2022. At that time I was not fully conscious and could not give the name of those accused, who had given the injuries to me and Karnail Singh. Today I want to record my supplementary statement with true facts against the them. On 16.03.2022 time would be around 6.45 p.m. I was sitting at the shop of Karnail Singh and that time Deepu r/o Abadpura Jalandhar and Harsh @ Shiva Gill r/o Rasta Mohalla and Ajay Kumar Ajju r/o Geeta Colony came on one active number PB08-DU-3169 colour brown but three youngman came earlier. Out of them Deepu r/o Abadpura Jalandhar gave datar blow on the back side of my head and Harsh also hit the iron rod and the third person Ajay Kumar @ Ajju gave stick blow which he picked up from the shop of Karnail Singh. Thereafter, another three person came on the white colour activa and out them one Honey Theli r/o Abadpura Jalandhar came and gave me fist blows and I do not know whereabouts the two unknown

persons. Statement is recorded, heard and which is correct.”

4. Counsel for the petitioner further has drawn attention of this Court to the medico legal report as per which there are following two injuries were found on the person of the victim:-

Particulars of total body injuries marked on above image:		
Sr. No.	Injury Details	Injury Number
1.	Lacerated wound over right parietal area of approximately 0.5x0.5 cm X bone deep. Adv. surgery opinion and CT scan	2
2.	Lacerated wound over right parietal area of approximately 3x0.1 cm X bone deep. Adv. surgery opinion and CT scan	1

5. Both of them are attributable to the co-accused and not to the petitioner. He further submits that the challan already stands presented and the complainant stands examined. Petitioner is behind bars since 14.06.2022 and has already faced incarceration for 01 year and 20 days.

6. Per contra, counsel for the respondent-State submits that the petitioner is habitual offender and is facing trial for the offence punishable under Section 21 of the NDPS Act and has been convicted in that case.

7. Be that as it may, without commenting on the merits of the case and keeping in view the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed
to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.07.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No