

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

CRM-M-51851-2023

Date of Decision:17.10.2023

Lovejeet Singh @ Raju

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gursharan Singh, Advocate for
Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 46 dated 17.04.2023 registered under Sections 395,324,323 of IPC (offence under Sections 397, 326, 201 IPC added later on) Police Station Khuian Sarwar, District Fazilka (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Milkh Raj, complainant. As per him, on 16.04.2023, he along with Deepak Kumar were proceeding on two wheeler after finishing their work at about 10:00 PM, a motorcycle driven by Sandeep Singh had hit his motorcycle from behind and Harpreet Singh @ Kharku and one unknown person were pillion rider on the said motorcycle. Lovejeet Singh, was riding on another motorcycle with an unknown person. On stopping, Sandeep Singh inflicted a blow with Kappa on the left hand of the complainant and Harpreet

Singh @ Kharku inflicted blow with a stick on the left wrist of the complainant, who fell down. Lovejeet Singh, accused also inflicted a blow with lathi, while using a thrustwise, on the chest of the complainant and the unidentified young person also inflicted a blow with a stick on the left arm of the complainant and caused injuries to the complainant. Deepak Kumar, who was with the complainant, raised hue and cry to save them. Kuldeep Singh also inflicted stick blows on the back of the Deepak Kumar and Sandeep Singh held right pocket of complainant and tore it away and snatched Rs.48,000/- lying in the said pocket. Harpreet Singh @ Kharku snatched a small bag carried by the complainant, containing his documents and mobile phone and thereafter, all the assailants fled away from the spot. As per the complainant, the names of two unidentified persons were later on known as Gurlal Singh @ Lali and Kuldeep Singh @ Raju.

3. Learned counsel for the petitioner contends that as per the version of the prosecution, the petitioner had caused an injury with a stick thrustwise on the chest of the complainant. However, from a perusal of the medical record, it is evident that there was no corresponding injury on the chest of the complainant. He further contends that the petitioner was arrested in the present case on 18.04.2023 and the challan has already been presented against him and co-accused. He next contends that the main injury in the instant case is attributed by the Sandeep Singh-non-applicant. He however, contends that the injured has been discharged long ago.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that one more case under Section 323 IPC is also registered against the present petitioner

and he does not deserve the concession of bail.

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

6. From the record, it is apparent that the petitioner was arrested in the present case on 18.04.2023 and the challan has already been presented. Apart from that, the petitioner has been attributed a blow with a stick thrustwise on the chest of the complainant, however, there was no injury on the chest of the complainant. Still further, only the recovery of Rs.1000/- and one stick has been effected from the present petitioner and his further custody will serve no meaningful purpose.

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

17.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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