

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

CRM-M-54469-2023

Date of Decision:06.11.2023

Kuldeep Singh @ Raju

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Rhythem Bajaj, Advocate
for the complainant.

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, under Section 395,324,323 of IPC (offence under Sections 397,326 and 201 of IPC added later on) registered at 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 Milk 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 prosecution version, the petitioner had caused an injury with a stick on the back side of the Deepak. He further contends that the petitioner was arrested in the present case on 17.04.2023 and is in custody for the last more than six months and 19 days. As per the learned counsel, similarly placed co-accused Lovejeet Singh @ Raju has been granted the concession of bail by this Court vide order dated 17.10.2023.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the serious allegations have been levelled 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 carefully.

6. From the record it is apparent that the petitioner was arrested in the present case on 17.04.2023 and the challan has already been presented in the present case. As per the allegations levelled by the complainant, the petitioner has caused an injury with a stick on the back side of the Deepak, which is simple in nature. Apart from that, similarly placed co-accused has already been granted the concession of bail and the petitioner is also entitled to concession of bail on the ground of parity also.

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.

06.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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