

....Petitioner

...Respondent

Mr. I.P.S.Sabharwal, DAG, Punjab.

Brief facts of the case are that the present case was registered on the statement of complainant-Arjan with the allegations that on 13.09.2023 at about 09:30 P.M., after dinner, he went towards bus stand for a walk and when he reached little ahead of Kishan Pal, Kariyana Store, present petitioner-Rohit Kumar @ Pindu in a drunken state came from opposite side and started bashing abuses to him. When complainant tried to stop him, the petitioner took out sharp edged weapon alike knife and gave continuous blows to him, on account of which, the complainant received injuries on the little below left side of his forehead and middle of head. He fell down on the ground and on raising alarm,

CRM-M-55562-2023

-2-

the petitioner fled away from the spot by threatening him and the present FIR was lodged.

Learned counsel for the petitioner *inter alia* contends that the occurrence in the present case had taken place on 13.09.2023. The complainant and the petitioner are related to each other being cousins and there is an inordinate and unexplained delay in registration of the FIR. The case is triable by Magistrate and initially the FIR was registered only under Sections 324/506 of IPC. Thereafter, the injury on the person of the complainant was declared grievous and vide DDR No.32 dated 07.10.2023, offence under Section 326 of IPC was added. He further submits that the petitioner is behind the bars since 09.10.2023. The trial is yet to be commenced and there is likelihood that it would take long time in its final adjudication.

Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground that the petitioner has inflicted injuries on the vital part and the assault is very brutal, as such, he does not deserve the concession of regular bail.

Having heard learned counsel for the parties and perusing the records of the case, it transpires that the petitioner is behind the bars for more than 01 month. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court.

Keeping in view the period of incarceration and since the challan has already been presented against the petitioner and the likelihood of trial being prolonged, the present petition is allowed. Culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Thus, without commenting upon the merits of

CRM-M-55562-2023**-3-**

the case lest it may prejudice the outcome of the trial, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

(HARPREET SINGH BRAR)
JUDGE

16.11.2023*Neha*

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