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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55976-2023 (O&M)

Date of Decision: 01.12.2023

Gopi Dholi @ Gaurav

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. N.S. Lucky, Advocate, for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 38 dated 23.04.2022, under Sections 323, 324, 451, 148, 149, 427, 506 and 120-B IPC (Section 326 IPC added later on), registered at Police Station Mehatpur, District Jalandhar Rural.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 months and 18 days and as per the FIR, the role of the petitioner was of inflicting datar blow on the left wrist and also thereafter once again on the shoulder of the complainant. He submitted that so far as the blow on shoulder is concerned, the same was simple in nature and the police has already completed the investigation in the present case and has already presented the challan. He submitted that the trial of the case may

take long time and there is a delay of 21 days in lodging of the FIR and, therefore, the petitioner may be considered for the grant of regular.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab has submitted that it is a case where 11-12 persons collectively by forming an unlawful assembly attacked the complainant and all of them inflicted injuries and they were armed with different weapons. He submitted that as per the MLR report, there were 13 injuries out of which 6 were grievous in nature. He submitted that the argument which has been raised by the learned counsel for the petitioner that the role attributable to the petitioner pertaining to giving of injury which was simple in nature on the shoulder of the complainant is concerned, the same is not sustainable in view of the fact that it is a case where a gang of 11-12 persons collectively attacked the complainant and the complainant is yet to be examined since charges have not been framed till date and there is a reasonable apprehension that in case the petitioner is released on bail, then he may influence the witness or he may even abscond from justice. He opposed the grant of bail to the petitioner on the ground of gravity of the offence as aforesaid.

4. I have heard the learned counsel for the parties.

5. The petitioner is stated to be in custody for 2 months and 18 days, although the challan has been presented but the charges have not been framed till date and, therefore, no prosecution witness has been examined till date. The petitioner is named in the FIR and specific role has been attributable to the petitioner. As per the allegations, 11-12 persons collectively attacked the complainant which resulted in causing 13 injuries out of which 6 have been declared to be grievous in nature. This Court is of the view that considering the gravity of the offence involved, the petitioner does not deserve the concession of bail.

7. Consequently, the present petition is dismissed.
8. However, anything observed hereinabove shall not be treated as
an expression of opinion on merits of the case and is meant for the purpose
of deciding the present petition only.

01.12.2023

rakesh

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

(JASGURPREET SINGH PURI)
JUDGE