

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-57054-2023 (O&M)
Date of Decision: 17.11.2023

KAMAL SINGH @ KAMALDEEP SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arshpreet Khadial, Advocate
for the petitioner.

Ms. Navreet Kaur Barnala, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 251 dated 07.09.2023 registered under Sections 324/323/341/506/148/149 of Indian Penal Code (Section 326 and 201 IPC added later on) at Police Station Civil Lines District Bathinda.

2. The FIR was lodged on the statement of Akash Sharma recorded on 07.09.2023 the allegations that on 05.09.2023, at about 12.15 PM, the petitioner along with co-accused was present in the canteen of the college and picked up a fight with the complainant on a very small issue by pointing out as to how the complainant is staring at them and thereafter, when the complainant came out of the college after finishing his classes, the petitioner alongwith other co-accused, restrained the complainant while bringing their Splendor Motorcycle to block the way and eventually the petitioner being armed with a sharp edged thing like

CRM-M-57054-2023

Datar, gave a blow thereof aimed at the head of the complainant, but the complainant saved himself and raised his left arm and resultantly the said blow of the sharp edged *dater* fell on the left hand and caused grievous injury to the complainant, which was eventually operated upon.

3. Learned counsel for the petitioner inter alia contends that there is a delay of 02 days in lodging the FIR. Initially the FIR was registered under the bailable offences, but later on Section 326 of IPC was added on 22.09.2023. The petitioner is a student of 22 years of age having clean antecedents. The case in which the FIR is registered is triable by Magistrate and the injury on the person of the complainant is on the non-vital part of body. The petitioner is in custody since 19.09.2023.

4. Per contra, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground of seriousness of the offence and also that the petitioner is main accused and has been attributed the injury attracting the provisions of Section 326 of IPC.

5. I have heard learned counsel for the parties and have gone through the case file.

6. Keeping in view the fact that the petitioner is in custody for a period of almost 03 months, trial of the case is likely to take long time, no useful purpose shall be served by further detention of the accused/petitioner. Culpability, if any, would be determined at the time of trial. Therefore, without commenting on the merits of the case lest it may prejudice the outcome of the case pending before the trial Court, petitioner-Kamal Singh @ Kamaldeep Singh is ordered to released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.
8. The petition is allowed.

17.11.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No