

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-59889-2022 (O & M)

Date of decision:06.01.2023

Rahul Kumar @ Jaikar

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Umesh Kumar Kanwar, Advocate, for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail under Section 439 Cr.P.C. to the petitioner in a case bearing FIR No.40 dated 06.02.2022 under Sections 307/323/324/427/148 and 149 IPC and Sections 326 IPC (added later on) registered with Police Station Bhargo Camp, District Jalandhar.

2. The case of the prosecution, in brief, is that the statement of Vishal Viridi son of Charanjeet Singh was recorded to the effect that on 05.02.2022 at about 9.00 p.m., he alongwith his friends had gone to the market to purchase a calculator. When he came out of the shop, he saw two boys were quarreling with his friends, namely, Sagar @ Vicky and Naveen son of Ajay Kumar due to parking of the cars. He tried to pacify both the parties but in the meantime, Mukesh Kumar @ Lakko, Milkha, Prashant, Jaikar, Chandu, Rupal all residents of Bhargo Camp, Jalandhar alongwith two other persons came to the spot. The other accused were not known to

Singh and granted bail by this Court vide order dated 04.07.2022, Annexure P-3) first gave a blow of his *datar* upon him which struck his left elbow. Mukesh @ Lakko gave a second blow of a *datar* on him which hit on the backside of his head. Two unidentified persons caught hold of Sagar @ Vicky from his arms. Parshant gave a blow of his *Kadha* on the head of Sagar @ Vicky. Two unidentified persons caught hold of Naveen and Jaikar aka Rahul Kumar (the present petitioner) gave a *datar* on the backside of the head of Naveen. Chandu @ Saurav (granted interim bail by this Court vide order dated 06.12.2022, Annexure P-5) gave a blow of his *datar* to Naveen on the backside of his head. Rahul @ Rubal @ Rupal (since granted bail by this Court vide order dated 06.12.2022, Annexure P-4) gave a *datar* blow to Naveen striking his left hand finger. Then Mukesh Kumar @ Lakko gave another blow of his *datar* which hit the right hand finger of Naveen due to which the tip of his finger was chopped off. Parshant gave a blow of his iron *kardha* on him (complainant) striking his right hand little finger. Similarly, Jaikar gave a *kadha* blow on his right hand little finger and left cheek. Two unidentified persons gave blows of iron *kadhas* worn by them on his head while he was sitting. Chandu and Rubal gave blows of *kadha* to Sagar @ Vicky which struck the backside of his head and the unidentified persons gave fist blows which struck his nose. Parshant gave blows of his *datar* to Sagar upon two fingers of his left hand whereas Mukesh Kumar @ Lakko gave a reverse blow of his *datar* to Sagar which hit his right shoulder. Due to the receipt of injuries, Naveen and Sagar fell down and on their raising alarm, the accused ran away from the spot.

3. The learned counsel for the petitioner contends that the injury attributed to the petitioner is a simple injury on the head of Naveen which is similar to the injury attributed to Chandu, who has been granted the concession of anticipatory bail vide order dated 06.12.2022. He contends that a compromise (Annexure P-2) has been effected between the parties as the occurrence has taken place on a very trivial issue. He contends that the co-accused of the petitioner, namely, Gagandeep Singh @ Milkha @ Mikha has been granted the concession of regular bail vide order dated 04.07.2022 (Annexure P-3) whereas two co-accused, namely, Chandu @ Saurav and Rahul @ Rubal @ Rupal have been granted the concession of anticipatory bail vide orders dated 06.12.2022 (Annexures P-4 and P-5). Since the petitioner was in custody since 05.11.2022, his further incarceration was not required and he ought to be granted the concession of bail.

4. The learned counsel for the State, on the other hand, contends that it is a serious offence and the petitioner does not deserves the concession of regular bail. He, however, does not dispute the fact that the similarly situated co-accused of the petitioner have been granted the concession of either regular bail or anticipatory bail. He also does not deny the factum of a compromise having been effected between the parties.

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

6. A perusal of the FIR would reveal that the fight took place on the spur of the moment on a trivial issue of parking of the cars. The petitioner has been attributed a simple injury and even otherwise, a compromise (Annexure P-2) has been effected between the parties. The co-accused of the petitioner, namely, Gagandeep Singh @ Milkha @ Mikha has

been granted the concession of regular bail vide order dated 04.07.2022 (Annexure P-3) and two co-accused, namely, Chandu @ Saurav and Rahul @ Rubal @ Rupal have been granted the concession of anticipatory bail vide orders dated 06.12.2022 (Annexures P-4 and P-5).

In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Rahul Kumar @ Jaikar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(JASJIT SINGH BEDI)
JUDGE

January 06, 2023
sukhpreet

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