

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

CRM-M-58876-2023

Date of Decision:28.11.2023

Hardeep

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : None for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

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. 191 dated 30.06.2023, registered under Sections 326-A, 323,427 of IPC, Police Station Rama Mandi, District Jalandhar Commissionerate.

2. The FIR in the present case was registered on the basis of the statement made by Om Parkash son of Ram Saroop. As per the complainant, at about 05:00 PM on 29.06.2023, he along with his son Karan and his brother-in-law Dharamvir had set up their burger cart at Chugitti Bypass, Jalandhar. At about 09:45 PM, his son Karan and brother-in-law were also present on the cart and in the meantime, two customers came there. The complainant started preparing burgers for them. In the meantime, Heera son of Jeet Ram, Sarabjit Singh @ Ballu son of Sukhdev Singh and Teetu also came there and slapped the person who was already eating the burger. They also forced to other persons to leave the place. Teetu started demanded a sum of Rs.700/- from him for buying

liquor and stated that he would take a sum of Rs.700/- from him daily for taking liquor. There was exchange of hot words between both the sides and Ballu started scuffling with him and started abusing him. Teetu also abused the complainant. On the asking of Teetu, both Heera and Ballu took out the oil pan and threw hot oil on him, his son Karan and his brother-in-law Dharamvir. Due to this, the left hand of the complainant was burnt and his son Karan suffered burn injuries on his legs, feet and back and other parts of the body. Dharamvir, his brother-in-law has also suffered injuries head, face, eyes, back and other parts of the body. With these main allegations, the FIR was registered in the present case.

3. It has been pleaded on behalf of the petitioner that he was arrested in the present case on 02.07.2023 and the investigation has already been completed. In the present case, admittedly edible oil was thrown on all the three injured and the provisions of Section 326-A IPC would not be attracted.

4. On the other hand learned State counsel has vehemently opposed the prayer made by the petitioner on the ground that the petitioner has been specifically named in the FIR. Apart from that, it is apparent that Karan and Dharamvir had suffered extensive burn injuries and learned State counsel has relied upon a report prepared by the Board of doctors in this regard. However, he admits that the injuries suffered by Karan have to be declared simple in nature and the other injured Dharamvir did not appear before the Medical Board.

5. I have heard the learned counsel for the State and perused the record.

6. The petitioner is in custody in the present case since 02.07.2023 i.e

almost for about 05 months. The challan in the present case has already been presented before the competent Court and the trial proceedings may take quite a considerable time. Apart from that, it has already been noticed in the impugned order that the parties had compromised the matter vide dated 27.09.2023 and the injured namely Om Parkash, Karan and Dharamvir had got their statements recorded before the Additional Sessions Judge, Jalandhar, regarding the compromise between the parties.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

28.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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