

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(236)

CRM-M-59356-2023
Date of decision:- 30.11.2023

Nandi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Balkarn Singh Aulakh, Advocate for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
153	26.08.2023	City Malout, District Sri Muktsar Sahib	324, 323, 452 and 120-B, IPC (Sections 325 and 326, IPC were added later on)

2. FIR, Annexure P-1, has been registered on the statement of Sandeep Kumar, who is doing a private job, stating that he was sitting at a chemists shop, being run by his friend, when three young men, who were armed, attacked him. One of them instigated the others to thrash Sandeep Kumar (complainant) for helping Lovepreet Singh and gave a blow with an iron rod fitted with a girder, which hit him on his left ear. Another blow was given, which hit him on his left arm. The complainant tried to save himself when the other assailants hit him with a baseball bats. His father, who was nearby, and other persons in the market started gathering and the accused fled away from the spot leaving behind the iron pipe.

3. Counsel for the petitioner contends that there is a delay of ten days in the lodging of the FIR and the petitioner has been falsely implicated. He submits that the petitioner has no enmity with the complainant. Counsel submits that as challan has been presented and the petitioner is in custody since 29.08.2023, he deserves to be enlarged on bail.

4. *Per contra*, State counsel, upon instructions from ASI, Jagsir Singh, has opposed the petition by submitting that not only a specific role has been ascribed to the petitioner, but he has been duly identified by the complainant. As per his instructions, although challan has been presented in October, 2023, but charge has not been framed.

5. Having heard counsel for the parties and considering their respective submissions, but without adverting to the merits or demerits of the arguments addressed, this Court is prima facie of the view that the petitioner, who has clean antecedents, deserves to be enlarged on bail. The nature of allegations levelled against the petitioner and the role ascribed to him, would remain a subject matter of debate before the Trial Court. Petitioner enjoys clean antecedents and is in custody for the last more than three months, are other factors, which have weighed with this Court.

6. Petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

7. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

30.11.2023

Kamal

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No