

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1922-2024
Date of Decision: 19.01.2024

Pankaj	vs.	...Petitioner
State of Punjab		...Respondent

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

Present : Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.102 dated 12.09.2023 registered under Sections 307, 324, 148, 149, 506 of IPC and Section 25 of Arms Act, 1959, at Police Station Nakodar (City), District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner was not present at the place of alleged occurrence, which is also apparent from the CCTV footage (Annexure P-2). Even he had submitted a representation dated 18.09.2020 (Annexure P-3) to Senior Superintendent of Police (Rural), Jalandhar and requested him to look into the evidence, which clearly ruled out the presence of the petitioner at the place of alleged occurrence. He further contends that without any incriminating evidence, the petitioner was wrongly arrested on 14.10.2023 and is in custody since then. Learned counsel further contends that as per the case of the prosecution, the petitioner had allegedly caused a blow with *datar*, which had hit on the right side of the back of the

head of the complainant and as per the medical evidence, the said injury has been declared to be simple in nature.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He further submits that one more case i.e. FIR No.33 dated 06.09.2018 under Sections 323, 324, 326, 506, 34, 148, 149 of IPC, at Police Station City Nakodar was also registered against the present petitioner.

4. In reply to the submissions made by learned State counsel, learned counsel for the petitioner contends that the petitioner has already been acquitted in the above mentioned FIR No.33 dated 06.09.2018 vide judgment dated 05.10.2019 passed by the Court of Sub-Divisional Judicial Magistrate, Nakodar.

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

6. The petitioner was arrested in the present case on 14.10.2023 and is in custody for the last more than 3 months. Even challan has not been presented against the present petitioner and the petitioner is otherwise entitled to the concession of bail under Section 167 Cr.P.C. The injury attributed to the present petitioner in the present case is simple in nature.

7. 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.

19.01.2024
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(N.S.SHEKHAWAT)
JUDGE

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