

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7159-2024 (O&M)

Date of Decision: 26.02.2024

Danny ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rituraj Singh, Advocate, for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
0038	08.05.2023	P.S. Garhdiwal, District Hoshiarpur	Sections 452, 323, 324, 363, 342, 379-B, 411, 506, 148, 149 IPC

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Amarjit Singh, wherein it is alleged that on 04.05.2023, when he was present at his house at about 5.30 PM, then Nishu and Danny, both of whom were carrying ‘Datars’, Ashok Pal and Satpal Singh, both of whom were carrying baseball bats, Gora armed with iron rod and another 3 unidentified persons entered into his house by scaling the wall. It is alleged that the said persons inflicted injuries to the complainant and snatched an amount of Rs.15,000/-, a

mobile phone and also a gold chain, which the complainant's wife Manvir Kaur was wearing.

3. Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and that in any case all the six injuries allegedly inflicted to the complainant are in the nature of simple injuries and are on non vital parts and that although the petitioner is also attributed two of the injuries, but the said two injuries are alleged to have been caused from the reverse side of '*Datar*' on arm and leg of the complainant. It has further been submitted that the petitioner has been behind bars since the last more than 6 months and that the matter is yet to be committed to the Court of Sessions. It has also been submitted that co-accused Satpal has already been granted bail by this Court vide order dated 02.02.2024 and as such, the petitioner also deserves the same concession on grounds of parity.
5. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and was armed with a '*Datar*' and had also inflicted injuries to the complainant, his complicity is clearly evident. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last more than 6 months and that the trial is yet to commence. It has been informed that the petitioner otherwise has a clean record and is not involved in any other case.
6. This Court has considered rival submissions.

7. Without commenting anything as regards the merits of the case, but having regard to the fact that the petitioner has a clean record and has been behind bars for a substantial period of more than 6 months and that the trial is yet to commence, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.02.2024

Vimal

(GURVINDER SINGH GILL)**JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**