

then Raja Boxer gave a *kirch* blow on her left ear and when she tried to turn her face other side, Raja Boxer gave another *kirch* blow on the back side of her head. When people started gathering at the spot, then all of them drove away from the spot in car.

3. Learned counsel for the petitioner *inter alia* contends that similarly situated co-accused namely Harinderjit Singh @ Jot has been granted the concession of regular bail by this Court vide order dated 09.02.2024 passed in case bearing CRM-M No.6130 of 2024 (Annexure P-5). Learned counsel submits that although, the petitioner was named in the FIR, however, no specific role or injury was attributed to him. The injuries on the injured Nurdeep Kaur, were specifically attributed to co-accused Raja Boxer. However, 04 days after the alleged occurrence, injured Nurdeep Kaur made a supplementary statement and made a complete U-turn by stating that the petitioner and co-accused Harinderjit Singh @ Jot had inflicted injuries. Learned counsel further refers to the medico-legal report of injured Nurdeep Kaur i.e. Annexure P-3 and submits that the kind of weapon used to inflict injuries on Nurdeep Kaur is blunt weapon, which falsifies the ocular version. Moreover, the medical opinion i.e Annexure P-4 clearly indicates that all the injuries are simple in nature and the complainant's son is a notorious person, who is already involved in 11 FIRs.

4. Per contra, the learned State counsel, on instructions from ASI Pavittar Singh, opposes the grant of regular bail to the petitioner on the grounds that the role of the petitioner has been duly established in the supplementary statement made by Nurdeep Kaur and he has actively participated in the alleged crime.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that similarly situated co-accused namely

Harinderjit Singh @ Jot has been granted the concession of regular bail by this Court vide order dated 09.02.2024. The petitioner is behind the bars since 11.09.2023, as per custody certificate. The investigating agency has completed the investigation and submitted the final report under Section 173 Cr.P.C. on 29.11.2023. The trial of the case has not made any progress yet as out of 36 witnesses cited by the prosecution, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention, without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

6. Keeping in view the facts and circumstances of the case, the present petition is allowed without commenting upon the merits of the case lest it may prejudice the outcome of the trial, and the petitioner-Lucky Pandey is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

March 05, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |