

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-12587-2024

Date of Decision:-15.03.2024

Ram Sagar Yadav.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Lakshay Bector, Advocate for the Petitioner.

Mr. Deepinder Singh Brar, Senior Deputy Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.168 dated 18.12.2023 under Sections 323, 341, 506, 34 IPC (Section 326 IPC added later and Section 324 IPC deleted) registered at Police Station Meharban, District Ludhiana.

2. The present FIR came to be registered at the instance of Raj Kishore which reads as under:-

“ Stated that I am a resident of the said address and I am a daily wage worker. On 28-11-2023 at around 8:30 PM, I was sitting and talking outside my house along with my wife Mayawati and my daughters Mukesh, Santosh, when Ram Sagar who lived in my neighbourhood along with his sons Rakesh Kumar and Nakul, all came to us and started beating me up. Ram Sagar, who was armed with stick attacked me on my legs with it, due to which I fell down on the ground. Then the boy Nakul attacked me on my head with the iron rod that he was holding in his hand, so to save myself

I used my right arm, which hit me on my right arm. In this way he hit my right arm several times with the iron rod, due to which I got seriously injured. When my wife Mayawati and my daughters Mukesh and Santosh tried to rescue me from them then they all attacked my wife and daughters as well. When we tried to rescue ourselves from them, then the above mentioned gathered around us and beat us again. When we started shouting out to people to save us and people started gathering around, then the above mentioned persons escaped from the spot along with their weapons, while threatening to kill us. The reason for enmity is that on 26-11-2023, there was an argument with the opposite party regarding to them driving the motorcycle in our street in a wrong way. Till now we had ongoing talks with our opposite party in regards to coming to any compromise, but it could not come to an conclusion. Today I along with wife Mayawati was coming to the Police Station, when I met you. Appropriate legal action should be taken against the opposite party Ram Sagar S/o unknown, Rakesh Kumar and Nakul sons of Ram Sagar residents of Street No. 01, New Sarpanch Colony, Village Tajpur Ludhiana. I have given you my statement in the presence of my wife Mayawati. I have heard it, understood it, it is correct. Sign/- Raj Kishore.”

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. However, taking the allegations to be correct only a simple injury has been attributed to the petitioner. As the petitioner was a first time offender, in custody since 14.02.2024 and the investigation has not even been completed so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. The Counsel for the State on the other hand contends that the petitioner and his co-accused assaulted the complainant causing him grievous injuries. Therefore, the petitioner was not entitled to the grant of bail. He however concedes that the injury attracting Section 326 IPC had

been attributed to the co-accused Nakul, that the petitioner was a first time offender in custody since 14.02.2024 and that the investigation had not yet been completed.

6. I have heard learned Counsel for the parties.
7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is stated to be a first time offender, in custody since 14.02.2024 and even the investigation had not yet been completed. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Ram Sagar Yadav** son of Sh. Ram Karan Yadav is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

March 15, 2024

Vinay

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