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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-16030 of 2024

Date of Decision: 07.08.2024

Pardeep Kumar @ Shooter

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vishal Mittal, Advocate
for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

Manisha Batra, J.(Oral)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.17 dated 14.08.2023 under Sections 324, 341, 506, 148 and 149 of the IPC, 1860, registered at Police Station GRP Abohar, District Govt. Rly. Police, Punjab.

2. Briefly stated the facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant-Harpreet Singh on 14.08.2023 alleging therein that he used to work as a Labourer in Punjab Labour Union, Malout. On 13.08.2023, he was waiting for loading trucks in the Union when the petitioner along with the co-accused and 15-16 unknown persons with muffled faces reached there while being armed with weapons. By proclaiming that the complainant should not be spared, they encircled him

and opened an assault upon him. The petitioner struck a blow with khanda



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thereby hitting on the right side of his eye. The remaining assailants also caused injuries to him with their respective weapons and by giving kicks and fist blows and thereafter they fled from the spot after extending threats to him. He was taken to hospital. The motive as attributed by the complainant *qua* the assault was that he had some dispute with the petitioner and co-accused Lovepreet Singh about one year back and then the petitioner had extended threats to him. After registration of the FIR, investigation proceedings were initiated. During the course of investigation, offences under Sections 307, 326, 323 and 34 of IPC were added whereas offence under Section 148 and 149 of IPC were deleted. The petitioner was arrested on 29.11.2023. The investigation has since been completed and he is facing trial for commission of aforementioned offences. He moved an application for grant of regular bail before the trial Court, which has been dismissed vide order dated 29.02.2024.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. There is a delay of one day in lodging of the FIR due to which the possibility of his false implication has not been ruled out. The injury which was attributed to him was on the non-vital part of the body of the complainant. The injury that has been declared as dangerous to life has not been attributed to him. His custodial interrogation is no more required. The trial is likely to take time. He does not have any criminal antecedents. The accused Lovepreet Singh whose case is on the similar footing, has since been extended the benefit of bail and on the ground of parity, the present petitioner too deserves to be released on bail, therefore, it is urged that the petition deserves to be

allowed.

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4. Per contra, learned State counsel has resisted the prayer made by the petitioner in terms of the status report filed by the respondent-State by arguing that in view of the severity of the allegations levelled against the petitioner, he does not deserve to be extended the benefit of regular bail.

5. I have heard learned counsel for the parties at length and perused the material placed on record.

6. The petitioner along with co-accused is alleged to have found membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, he is alleged to have opened an attack upon the complainant on 13.08.2023 and caused injuries to him. The injury that had been declared as dangerous to life by the Doctor who conducted medical examination of the complainant, has not been attributed to the present petitioner but to the co-accused. The petitioner is in custody since 29.11.2023. The trial is likely to take time and his further detention would not serve any useful purpose.

7. Keeping in view the discussion as made above but without meaning to make any comment on the merits of the case, the present petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

07.08.2024*D.Bansal***(MANISHA BATRA)
JUDGE**

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No