



CRM-M-16726-2024

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(206)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16726-2024

Date of Decision: 09.12.2024

ROHIT VERMA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ramneek Singh, Advocate with
Mr. Rahul Garg, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Raman Kumar, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in this 3rd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0033 dated 08.07.2023 registered under Sections 323, 324, 325, 326, 148, 149 and 506 IPC at Police Station Patara, District Jalandhar Rural, Punjab.

2. The present FIR came to be registered at the instance of Kuldeep Kumar S/o Fakir Chand and the same reads as under:-

“Statement of Sh. Kuldeep Kumar s/o Fakir Chand, r/o Village Puranpur, PS Patara, District Jalandhar, aged about 37 years. MB:- 86995-77449. It is stated that I am a resident of the above mentioned address and I do the work of painting. On 06.07.2023, at about 10:30 PM, like every night, I came



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towards Dhanoa Palace Adda Puranpur for a walk. Following me, Pavitar Singh s/o Gurnam Singh r/o Village Puranpur and Harbhinder Singh s/o Gurdev Singh r/o Village Bhakhriana, PS Rawalpindi, District Kapurthala, also came walking. When the three of us had come together at Bus Stop Puranpur and were talking, about 5 minutes later, from Dhillwan side, 7-8 youngsters came riding on 3 motorcycles and who were carrying kirpans, 'Daatar' and iron rods in their hands. One young man out of these, Rohit Verma s/o Ashwani Kumar r/o Village Puranpur, had a kirpan in his hand, and 7 other unknown young men had 'Daatar', Kirpans, iron rods and whom I can recognise if they came in front of me. Rohit Verma said that Harbhinder Singh keeps glaring at me while I am coming and going on the road so teach him a lesson today and teach his companions also a lesson for siding with him, who all attacked us with the weapons in their hands. Rohit Verma attacked me twice with the kirpan in his hand, which hit me on my left elbow, and near my right ear. His companions hit me on my right knee, left wrist and right side of my forehead. Rohit Verma and his companions have inflicted injuries upon Harbhinder Singh and Pavitar Singh also. After inflicting injuries on us, Rohit Verma and his companions, along with the weapons and motorcycles, ran away from the spot. I reached my home in my injured state, where my family members arranged for a vehicle and took me to Civil Hospital, Jamsheer, Jalandhar, for treatment, where the Doctor issued my MLR and gave me treatment and referred me to Civil Hospital, Jalandhar, where I am under treatment. I have given my statement to you. I have heard it and found it to be correct. Action should be taken against the culprits. Sd/- Kuldeep Kumar mentioned above. Verified Gopal Krishan. Attested: Nirmal Singh, ASI, PS Patara dt. 08.07.2023."

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3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, the complainant party had attacked the petitioner. It is a case of version and cross-version. The injured Kuldeep Kumar had not suffered any permanent disability. As the petitioner was in custody since 24.07.2023 but none of the 18 prosecution witnesses had been examined 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.

4. A short reply dated 07.12.2024 by way of an affidavit of Kulwant Singh, PPS, Deputy Superintendent of Police, Sub Division, Adampur, Jalandhar Rural has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He, however, admits that the injured complainant-Kuldeep Kumar had not suffered any permanent disability, that the petitioner was in custody since 24.07.2023 and that none of the 18 of the prosecution witnesses had been examined so far.

5. Mr. Raman Kumar, Advocate has put in appearance on behalf of the complainant and has filed his Vakalatnama. The same is taken on record. He has vehemently opposed the bail application contenting that it was the petitioner who was the main accused and therefore, he was not entitled to the concession as prayed for.

6. I have heard the learned counsel for the parties.

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7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. As per the medical evidence, the injured complainant-Kuldeep Kumar has not suffered any permanent disability. The petitioner is in custody since 24.07.2023 but none of the 18 prosecution witnesses have been examined so far. 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-Rohit Verma S/o Ashwani Kumar 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

09.12.2024

JITESH

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