



CRM-M-21639-2024

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

CRM-M-21639-2024
Decided on : 07.05.2024

Abhishek Kumar

..... Petitioner

Versus

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Varun Katyal, Advocate
for the petitioner.

Mr. Manish Bansal, PP,UT, Chandigarh.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.87 dated 25.10.2023 under Sections 307, 332 and 353 IPC registered at Police Station North, Chandigarh.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the instant case for allegedly attacking a police official by biting him on his face after he was stopped from creating nuisance. While drawing the attention of this Court to the allegations levelled in the FIR (Annexure P-1), it has been submitted that a totally false and improbable version had been brought forth, which is apparent from the fact that the petitioner was just 5 ft. in height and hence, he could not have bitten the complainant on his face, who was taller than him. It has further been submitted that even as per medico-



legal report of the complainant annexed as Annexures P-2 and P-3, the injuries attributed to the petitioner were opined to be simple in nature and the essential ingredients to attract the mischief of offence under Section 307 IPC was clearly amiss; if it all, it was a case of sudden quarrel and there was no intention on the part of the petitioner to kill the complainant. Learned counsel has still further submitted that after the petitioner was arrested on 25.10.2023, though challan had been presented and even charges framed, however, none of the 12 prosecution witnesses cited had been examined till date. Hence, further incarceration of the petitioner would serve no useful purpose as the trial was unlikely to conclude in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the petitioner had attacked the complainant, who is a police official and who at the relevant time was discharging his duty of maintaining law and order. The petitioner had unabashedly not only attacked the complainant but had also not hesitated to inflict injuries on him. Learned State counsel has submitted that there is every likelihood that in case, the petitioner is released on bail, he could abscond as he is a native of Uttar Pradesh.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Firstly, this is the second petition filed by the petitioner seeking the concession of regular bail after the previous petition was



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dismissed as withdrawn on 22.04.2024. Learned counsel for the petitioner has not been able to bring to the notice of this Court any material change in circumstances, which would warrant entertaining the instant petition.

6. Be that as it may, even otherwise, a perusal of the allegations levelled in the FIR reveal that when the complainant along with two other police officials were on patrol duty, the petitioner, who was consuming liquor and creating a nuisance in a public place, on being stopped attacked the complainant, biting him not only on his face but also on his fingers; thereafter, the petitioner picked up a glass object lying on the road and inflicted injuries on the head of the complainant. Some passers-by rushed to the rescue of the complainant and also apprehended the petitioner at the spot. Thus, *prima faice*, there are serious allegations against the petitioner for which, this Court does not deem it fit to extend the concession of bail to the petitioner at this stage. Accordingly, the instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.05.2024
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(MANJARI NEHRU KAUL)
JUDGE

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