

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-24946-2024
Date of decision : 22.05.2024

Vinay Kumar Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ashish Soi, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.231 dated 28.12.2015, registered for the offences punishable under Sections 307, 382, 323, 341, 506, 148 and 149 of IPC at Police Station Division Number 6 Industrial Area, District Ludhiana.
2. As per the contents of the FIR, it has been alleged as under:-

“Stated today by Sunny Verma son of Tarseem Verma resident off 4597/1 Street Number 3 Shivaji Nagar police station division number 6 Ludhiana age 23 years stated that I am the resident of the above address and I'm studying for B.Com second year, I have 2 brothers and yesterday on 27th December 2015 me and one common friend Rahul son of Rashpal Arora resident of House Number

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134 Street Number 4 Dharampura Shingar Road Ludhiana who's birthday party was at the restaurant Tasty Bite Khoda Colony Cheema Road Chowk Ludhiana where me and my brother Himanshu Verma son of Tarseem Varma aged around 18 years had gone to the birthday party of Rahul and in the evening when the party was over and me and my brother Himanshu Verma were returning to our house at around 10:40 PM of the night on our motorcycle, then in the opposite park to the Tasty Bite Restaurant, Akash alias Kasha son of Babu resident of koda colony holding datar, Kala Ferozpuria holding sua (awl), Deepu Kanganwal who is the brother in law of Akash Kasha holding datar, Karan Kumar resident of Labor Colony holding Datar, Kuldeep Kumar Alias Lallu s/o Bhaiya Lal resident of Koda Colony holding Datar, Angad alias Angu resident of Labour Colony holding Datar, Mano son of Amarnath resident of Koda colony and along with more 15-20 people were armed and they started attacking us with the weapons because of which me and my brother Himanshu Verma fell down from the motorcycle and Akash alias Kasha who had been holding a Datar in his hand attacked with the intention of killing my brother Himanshu Verma, he assaulted him upon his head and my brother Himanshu put his left hand forward due to which the Datar hit upon the palm of the left hand and then my brother started getting up to run then these people surrounded me and my brother and Akash then attacked my brother on the head with his datar which hit him on the backside of the head then Akash Kasha again attacked my brother from the backside of his Datar

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which hit him upon his nose and then the next attack Akash Kasha was on my brother's left knee and in the meantime Kala Ferozpuria who was holding a Sua attacked my brother with it, which hit my brother's chest on the left side just below the heart and the second assault also went towards the left side of the chest and the 3rd attack by Kala Ferozpuria was upon the stomach of my brother and then my brother ran towards the street to his side by shouting "Marta Marta" and I ran towards the other side and while I was running Karan Kumar who was holding a Datar in his hand attacked me from my backside of the pelvis and left arm and in the meantime Deepu Kanganwal snatched the i-Phone from my hands, Kuldeep Kumar Lalu son of Bhaiya Lal, Angad Kumar Angu and Manna son of Amarnath started blaring that both these brothers have recognized us so don't let them go and kill them, and then my brother shouted "Maar Ditta Maar Ditta" then these people runaway from the spot on their respective scooters, motorcycle and swift desire car from the spot. The motive behind this is that some days ago Deepu Kanganwal and sis brother in law Akash Kasha had an accident of their swift desire car at the roundabout of Janakpuri so me and my brother Himanshu Varma and Mandeep Singh son of late Darshan Singh resident of Hari kartar colony Ludhiana had stopped them from creating chaos on the street, then me and my brother Himanshu Varma and Sundeep Singh had an altercation with Deepu Kanganwal and his brother in law Akash Kasha and I had taken my brother Himanshu Varma after arranging a vehicle to CMC hospital Ludhiana where he was in serious



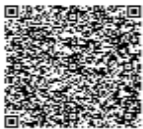
condition. So I have given my statement at CMC hospital Ludhiana which I have heard it is correct. An action must be taken against the persons and legal proceedings initiated.xxx”

3. Counsel for the petitioner submits that it is a case wherein no injury has been attributed to the petitioner and the co-accused namely Karan Kumar, Deepak Kumar, Gora @ Shubham and Akash @ Kasha already stand admitted to bail. It has been contended that the petitioner was declared as ‘proclaimed offender’. However, he challenged the said order in CRM-M-16060-2024, wherein this Court directed the petitioner to surrender before the trial Court. In compliance thereof, the petitioner appeared before the trial Court on 03.05.2024 and is since then in custody.

4. State counsel though does not dispute that no injury has been attributed to the petitioner, however, submits that the petitioner having been declared as P.O. and having not complied with the orders passed by this Court as he failed to surrender within the time period granted by this Court, does not deserve concession of regular bail.

5. Having heard counsel for the parties and after going through the records of the case, without commenting on the merits thereof, keeping in view the nature of allegations levelled against the petitioner and the fact that the petitioner is before the process of law and undertakes to appear before the trial Court regularly, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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6. Needless to say nothing recorded herein shall be construed
to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.05.2024

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Whether speaking/reasoned : Yes

Whether Reportable : No