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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(220)

CRM-M-26381-2024 (O & M)
Date of decision: 29.05.2024

Munish Kumar @ Manish Kumar @ Anku @ Chulla
.... Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vishal Sharma (Vasudeva) Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.47 dated 25.06.2023 under Sections 307, 323, 324, 34 IPC and Section 201 IPC (added later on) registered at Police Station Shahpur Kandi, District Pathankot, Punjab.

2. The present FIR came to be registered at the instance of Vikas Dev @ Vicky son of Tara Chand which reads as under:-

“Statement of Vikas Dev @ Vicky son Tara Chand resident of VishKarma Colony, Khanpur, Police Division No. 1, Pathankot, District Pathankot, aged about 22 years Mobile No. 71801-02736 stated that I am resident of above mentioned address and doing private job at poultry farm in village Kahanpur. On 23-06-2023 at about 09PM I and my friend Satnam Chadda by riding on his motorcycle were standing opposite Sant Estate near closed factory of Banarsi Sweets then Manish Kumar @ Anku @ Chulla son of Mahesh



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Kumar resident of Kabir Colony, Sujanpur road, Police Division No.1, Pathankot, District Pathankot and Manpreet Singh @Mani @ Tich son of Suba Singh resident Sujanpur road, Near Parsan Ashram, Khanpur, by riding on his motor cycle came and while stepping down from the motor cycle Manish Kumar @ Anku @ Chulla above raised lalkra and said catch hold Vicky and he be taught lesson for giving our secret information to Police then Anku @ Chulla above gave blow of Kirch with the intention to kill me. Which hit on left side of my head. Then Manish Kumar @ Anku @ Chulla above gave Kirch blow on me so I raised my right arm to save myself which hit on my elbow due to which I fell down. Then while I fell down Manish Kumar @ Anku @ Chulla was about to give me Kirch blow from left side that to save myself I shifted which hit on my chest at right side. Then while I fell down Manpreet Singh @ Mani @ Tich above gave me punches and leg blow on different part of my body and gave me brick blows. That Satnam Chadda standing alongside me tried best to protect me from both of them, Anku and Mani. That they both also pushed him and threw him away. While escaping by Satnam Chadha, by hearing the incident of fight from someone my brother Rinku Kumar son of Tara Chand resident of Vishkarma Colony, Khanpur, came at the spot then I raised hew and cry and accused persons flew away from the spot with their weapons on their motorcycle this all incident has been witnessed by my friend Satnam Chadda and my brother Rinku Kumar above and Satnam Singh by arranging vehicle taken me to Civil Hospital Pathankot where doctor has issued my M.I.R and done dressing on me and admitted me for treatment. Due to grievance injury caused to me my family members took me to Raj Hospital, Simbal Chownk Pathankot for treatment where I am under treatment. I have handed over the MLR regarding injuries caused to me. Is the claimant. Appropriate legal action be taken against Manish Kumar



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@Anku @ Chulla son of Mahesh Kumar resident of Kabir Colony. Sujanpur road, Police Division No.1, Pathankot, District Pathankot and Manpreet Singh @ Mani @ Tich son of Suba Singh resident Sujanpur road, Near Parsan Ashram, Khanpur, Division No. 01, Pathankot. Statement has been recorded and heard and is correct Sad/- Vikas Dev.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. However, taking the allegations to be correct, no offence under Section 307 IPC was made out. The witnesses were not appearing to depose in the case further delaying the conclusion of the Trial. A co-accused/Manpreet Singh @ Manni @ Tich had been granted the concession of regular bail by this Court vide order dated 06.02.2024 (Annexure P-5). As the petitioner was in custody since 25.06.2023 and only 02 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, the petitioner was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner was the main accused. He had inflicted 04 injuries on various parts of the body of the injured. The injuries were found to be grievous in nature. The manner in which the injured was assaulted led to the invocation of Section 307 IPC. Though, the witnesses had not appeared on some dates, Manpreet Singh @ Manni @ Tich, a co-accused who had been granted bail had also moved applications for exemption from his personal appearance. Therefore, it could not be said that the delay in the conclusion of the Trial was attributable to the complainant party. Further, Manpreet Singh @ Manni @ Tich had been granted the concession of bail as he was



not the main accused. Keeping in view the nature of the allegations levelled against the petitioner, he was not entitled to the concession of bail.

5. I have heard the learned counsel for the parties.
6. A perusal of the FIR would reveal that the petitioner is the main accused. He inflicted multiple injuries on the head, elbow and chest with a *kirch* (a sharp-edged weapon) on the person of the complainant. The injuries are stated to be grievous in nature and because of the intention being to commit murder, Section 307 IPC has been invoked. The co-accused has been granted bail on account of the fact that no such grievous injuries has been attributed to him. Though, the complainant did not appear for his cross-examination on 27.05.2024, on the same date, an application for exemption was moved by Manpreet Singh @ Manni @ Tich for exemption from his personal appearance which was allowed. Therefore, it cannot be said that the complainant party alone is delaying the conclusion of the Trial. Further, a perusal of the record would reveal that first bail application of the petitioner came to be argued and withdrawn on 20.02.2024. No significant change in circumstances have arisen since then.
7. In view of the serious nature of the allegations levelled, I do not find any reason to grant the concession of regular bail to the petitioner. Therefore, the present petition stands dismissed.
8. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date fixed before it.

(JASJIT SINGH BEDI)
JUDGE

May 29, 2024
sukhpreet

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