

CRM-M-27713-2024-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(205)

CRM-M-27713-2024
Date of decision:- 01.07.2024

Varinder Kumar @ Binder... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Piyush Khanna, Advocate
for the petitioner.

Mr. Anil Bansal, DAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
0051	25.07.2021	Patara, District Jalandhar Rural	452, 386, 323, 354, 294, 427, 506, 148 and 149, IPC

2. Counsel for the petitioner has argued that FIR, Annexure -1, is an outcome of an altercation between the complainant, petitioner and some of petitioner’s friends, who have been named as an accused. He submits that a petty dispute arose between the parties and the accused are alleged to have

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inflicted injuries on the complainant and his relatives, besides pushing his female relatives and tearing their clothes. Counsel submits that the allegation of misbehavior with ladies has been falsely levelled to give the offence a serious colour. He submits that the petitioner was released on anticipatory bail by this Court, which was made absolute by order dated 14.03.2022. However, due to default in appearance before the Trial Court on 16.05.2023 on account of miscommunication, petitioner was declared as a proclaimed offender on 05.02.2024 and was apprehended on 27.03.2024. He submits that the petitioner, who has clean antecedents, deserves to be enlarged on bail.

3. *Per contra*, State counsel, upon instructions, has opposed the petition by submitting that the petitioner along with the co-accused had attacked the complainant and his relatives in a pre-determined manner and caused injuries to them. As per his instructions, none out of the 32 prosecution witnesses have been examined. State counsel could not dispute that the petitioner has a clean past.

4. Having heard counsel for the parties, this Court is of the view that the petition deserves to be accepted. The allegations levelled against the petitioner would be subject matter of trial, which will be determined on the basis of evidence led by the prosecution. Considering the nature of allegations levelled against the petitioner, length of detention, unblemished past as well as the stage of the trial, this Court is of the opinion that he deserves the concession of bail.

5. Without adverting to the allegations levelled against the



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petitioner, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned. The Trial Court shall also impose any condition it deems appropriate to ensure that the petitioner does not commit any default in future.

6. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

01.07.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No