



CRM-M-29048-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.209

Case No. : CRM-M-29048-2024

Date of Decision : August 02, 2024

Rajiv Kumar@ Raju Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr.Sandeep Arora, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

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GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.10 dated 03.02.2024, under Sections 324, 307 IPC, 1860 (Section 326 IPC added later on), registered at Police Station Bhogpur, District Jalandhar (Rural).

2. As per the allegations, the FIR in question was registered on the basis of statement made by one Avtar Singh aged 72 years, wherein he submitted that he and his son namely Harpreet Singh @ Rimmy run a shop in the name of Fancy Silk Store at Railway Road, Bhagpur and in their adjoining street, petitioner Rajiv Kumar @ Raju also runs a scissors sharpening and iron-boxes shop. The petitioner used to stand in front of the shop of complainant along with other boys and create noise in routine, which used to effect the complainant's business. It has been further stated that on

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02.02.2024, at about 10:15 AM, the complainant went to the petitioner's shop in order to make him understand for not creating noise outside his shop but the petitioner, instead of understanding the problem of complainant due to his behaviour, started abusing him. Upon hearing the noise, Harpreet Singh @ Rimmy also came there and tried to convince the petitioner for not using abusive language but he did not agree and rather gave a scissors blow to Harpreet Singh @ Rimmy, which hit him on the left side of his chest. So, he fell down while bleeding. On this, complainant raised alarm, whereupon his nephew Prabhjot Singh and other shopkeepers came for his help. The petitioner fled from the spot. As the condition of complainant's son was quite serious, he was rushed to hospital and was got admitted. It has been alleged that the petitioner picked up quarrel with complainant and his son only because of the reason that he was estopped from making noise outside the shop of the complainant.

3. Learned counsel for the petitioner, at the outset, has submitted that it is a case of version and cross-version. On the statement of the petitioner, DDR No.31 dated 07.02.2024, under Sections 323, 324, 34 IPC was registered against the complainant party at the same Police Station. The petitioner has put forth a different story that 02.02.2024, at about 11:00 AM, complainant Avtar Singh came to his shop and pressurized him to change his working times as his customers were being disturbed due to sound coming from the shop of petitioner. In reply, it was stated by the petitioner that he was doing his business since long and was the only source of his income. On this, complainant started abusing the petitioner and he was told not to do so,



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he slapped the petitioner. In the meantime, son of the complainant Harpreet Singh also entered his shop, pushed him to the floor and started giving kick blows and *danda* blows. He also inflicted a blow of sharp edged weapon on the left arm of the petitioner, due to which the petitioner received injury on his left arm and blood started oozing. When the petitioner raised alarm, both – the complainant and his son ran away while abusing and threatening the petitioner. He was also admitted at Civil Hospital, Kala Bakra, where he was got medico legally examined.

4. It has been further contended by learned counsel for the petitioner that in order to save their skin, the complainant and his son have implicated him in the false FIR whereas the reality is that the petitioner neither picked up any quarrel with them, nor created any nuisance outside their shop. Moreover, the petitioner is the only bread winner of his family which includes his widow mother, wife, a daughter aged 14 years and a son aged 10 years. This is the first case, which has been registered against the petitioner and that would also take a long time to conclude. The petitioner is in custody since 09.02.2024. Therefore, the petitioner, who is at the mercy of this Court, prays for grant of regular bail.

5. Status Report by way of affidavit of Sumit Sood, PPS, Deputy Superintendent of Police, Sub-Division Adampur, District Jalandhar (Rural), on behalf of respondent-State, has been placed on record. Learned State counsel, while referring to the Status Report, has opposed the bail petition, while submitting that the son of the complainant namely Harpreet Singh @ Rimmy sustained two injuries on his body and one injury was declared sharp

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and grievous. So, offence under Section 326 IPC was also added later on 02.05.2024. It has further been submitted that the petitioner was arrested on 08.02.2024 and the scissor used in the crime has been got recovered from him. The challan has been presented on 02.05.2024 before the concerned Court. Trial in the case is yet to be commenced and charges have not been framed yet. It is further prayed that the petitioner does not deserve concession of bail. It has also been admitted that the petitioner himself suffered three injuries, which were alleged caused by son of the complainant. However, it was submitted that since the allegations against the petitioner are quite serious, he does not deserve concession of regular bail.

6. I have heard the arguments of learned counsel for the petitioner and learned State counsel and have also gone through the case file.

7. The allegations against the petitioner are that he picked up quarrel with the complainant party, abused them and caused injuries to the son of the complainant. On the other side, similar version is there on the side of the petitioner that complainant party came to them, abused and attacked him. It is clearly a case of version and cross-version. There is no medical opinion by Civil Surgeon that injury caused by petitioner was declared dangerous to life. Both sides received injuries. The role of the petitioner in committing offence and gravity thereof would be a question of evidence and culpability of the petitioner shall be decided during trial of the case. The petitioner is in custody in this case since 08/09.02.2024. The challan in this case has already been presented.



8. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.
8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.
9. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.
10. Pending applications, if any, shall stand disposed of along with this judgment.

August 02, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.