



CRM-M-29970-2024

**235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-29970-2024
Decided on : 16.07.2024

Gurnam Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Yajur Sharma, Advocate and
Mr. Akun Sheemar, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.15 dated 20.01.2024 under Sections 326, 325, 323, 427, 148 and 149 IPC (Section 379-B IPC added later on vide DDR No.27 dated 21.02.2024) registered at Police Station Ajnala District Amritsar Rural.

2. Learned counsel for the petitioner contends that a perusal of the FIR in question clearly reveals that the only role attributed to the petitioner in the crime in question is lalkara; no injury has been attributed to him. The FIR in question came to be registered after unexplained delay of 9 days from the date of occurrence. It has further been submitted that as per the allegations levelled, the petitioner and the co-accused struck their vehicle against the vehicle



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of the complainant and thereafter inflicted injuries on his head. However, there was no corroborative medical evidence to support the said allegation. While drawing the attention of this Court to Annexure P-3 learned counsel submits that even as per the medical opinion, the injuries allegedly sustained by the complainant party with a friendly hand could not be ruled out. Learned counsel has still further submitted that it is a matter of record that some of the co-accused, who had been named and attributed injuries on the person of the complainant party, have been exonerated by the police and have not been challaned. It has also been submitted that it is thus, evident that a false and fabricated case has been planted upon the petitioner. Learned counsel further submits that since the investigation in the present case is complete and challan stands presented, further incarceration of the petitioner would serve no useful purpose as none of the 24 prosecution witnesses have been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Bias Dev, has not disputed that the FIR in question came to be registered after 9 days of the alleged occurrence. Learned State counsel has also not controverted that the petitioner has not been attributed any injury on the complainant party except that he had raised a lalkara soon before the occurrence in question. However, learned



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State counsel has reiterated the allegations levelled in the FIR in question that all the accused had intentionally collided their vehicle with the vehicle of the complainant from the rear side and thereby assaulted them.

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

5. The petitioner has been in custody since 17.03.2024. The investigation in the case in hand is complete as challan stands presented. The petitioner has not been attributed any injury on the person of the complainant party and is not stated to be involved in any other criminal case.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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.

16.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No