



CRM-M-31290-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision : July 09, 2024

ISHU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Umesh Aggarwal, Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.28, dated 11.03.2023, under Sections 323, 324, 148 and 149 of the IPC, (Later on added Sections 326, 325, 201/34, and Sections 148/149 IPC, deleted later on), registered at Police Station Division C, District Police Commissionerate, Amritsar.

2. The gist of the allegations, as recorded by the learned trial Court concerned, while declining the bail to the petitioner, vide order dated 08.11.2023, reads as under:-

“6. Briefly, as per the allegations of the prosecution, the FIR was got registered by complainant Sunny Arora @ Honey son of late Sh. Vijay Kumar, r/o Plot No. 97, Chand Avenue, Phase 2, Fatehgarh Churian Road, Amritsar to the effect that he plies Chhota Hathi and his old residence is situated at Pethe Wala Bazaar. On 07.03.2023, at about 07:30 PM, he (the complainant) was present outside temple of Peer Baba in the Bazaar of his old house. At about 08:00



PM, Karan, Ishu(applicant-accused), Gaurav @ Gopa sons of Arun Kumar, all residents of Hansli Gali, Hansli Wala Chowk, Amritsar, armed with dater (Machetes) and Abhi s/o Parveen r/o Pethe Wala Bazaar armed with sword, without shield came towards him. Ishu raised lalkara to catch hold of him and to teach him a lesson for quarreling with them. In the meantime, Gaurav gave dater blow on his right arm. Then Karan gave dater blow on his face, which hit below his chin. Then Ishu gave dater blow on his face, which hit on his right eye and then Abhi gave several sword blows on his chest. Then again Karan, Ishu, Gaurav @ Gopa gave dater blows on his head, due to which blood started oozing out from the wounds on his body and he fell down on the ground unconscious. While the complainant was lying on the ground, Ishu, Gaurav @ Gopa and Abhi continued giving him injuries with their respective weapons. After some time, the complainant re-gained consciousness and raised alarm. Upon clamour being raised by the complainant, all the afore-mentioned assailants ran away from the spot with their respective weapons. Then he was got admitted in Hospital by the passerby present at the spot.”

3. Learned counsel for the petitioner submits that the petitioner was arrested in the instant FIR on dated 05.03.2024, and since then he is behind the bars.

4. He further submits, the alleged injury, which is specifically attributed to the present petitioner, and the weapon of offence-datar, which allegedly was carried by the petitioner at the time of commission of offence, even if we consider the above allegation as a gospel truth, do not



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connect the petitioner with the crime in any manner. The petitioner has suffered sufficient incarceration, and may be granted the relief of regular bail.

5. He also submits that the victim/complainant is now hale and hearty, and the complainant has already entered into a compromise with the co-accused of the petitioner and he has been given the benefit of pre-arrest bail by this Court vide order dated 19.01.2024, in CRM-M-54383-2023. He in addition submits that co-accused namely Karan who is on same pedestal as the petitioner, has been granted bail by this Court vide CRM-M-60179-2023.

6. He over and above submits that the final report has already been submitted before the learned trial Court concerned, and all the offences mentioned therein, are triable by the judicial magistrate, and the conclusion of trial will take long time.

7. On advance notice, learned State counsel has caused appearance, and vociferously opposed the asked for relief. He has placed on record a custody certificate *qua* the petitioner, which is taken on record, and perusal of the same reveals that the petitioner has suffered incarceration of 4 months and 3 days as on today. It further reveals that the petitioner is involved in one more case i.e. under Sections 107/151 Cr.P.C., but he is on bail in that case.

8. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

9. Though the role and injuries, which are attributed to the present petitioner, are of serious nature, however, considering the fact that

the petitioner has suffered incarceration of 4 months and 3 days as on today, and it is a magisterial trial, which would take long time to conclude, and co-accused who is on similar footings has been extended the relief of regular bail by this Court, on the account of having the matter compromised with him, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

July 09, 2024

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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No