



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-32753-2024

Date of decision: 17.07.2024

Rajan Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.141 dated 15.04.2024 under Sections 452 and 323 of the IPC registered at Police Station City Faridkot, District Faridkot.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon him for allegedly inflicting four blows with an iron rod on the person of the complainant. It has been submitted that the injuries allegedly attributed to the petitioner were opined to be simple in nature. Learned counsel has further submitted that the mother of the complainant is an employee in the hospital where the complainant was medico legally examined and hence, the possibility of a fabricated version cannot be ruled out. Learned counsel has still further submitted that since investigation in the present case is complete as challan stands presented, his further incarceration would



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serve no useful purpose as charges are yet to be framed.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been brought to the notice of this Court that there is a history of strained relations between the parties. On an earlier occasion, the petitioner had inflicted injuries inviting the mischief of Section 307 of the IPC on the same complainant i.e. Prince Kumar who also happens to be the immediate neighbour of the petitioner. Learned State counsel has submitted, on instructions from ASI Harcharan Singh, that it is evident that the petitioner had misused the concession of bail which had been granted to him in FIR No.190 dated 02.06.2022 under Sections 307, 201, 34 of the IPC, which stood registered at Police Station City Faridkot against him and in case the petitioner is enlarged on bail there is every likelihood that he would yet again misuse the concession of bail. Learned State counsel has, thus, submitted that in the circumstances, the petitioner does not deserve the concession of bail even though the injuries attributed to him are simple in nature.

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

5. Admittedly, the petitioner has misused the concession of bail granted to him in FIR No.190 dated 02.06.2022. On an earlier occasion, the petitioner had also inflicted injuries inviting the mischief of Section 307 of the IPC on the same complainant i.e. Prince Kumar. Prima facie, it seems that the petitioner is a habitual offender. In the facts and circumstances as enumerated hereinabove, this Court does not

deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is hereby dismissed.

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.

17.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No