



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

CRM-M-37959-2024

Date of Decision : 16.09.2024

BHURA @ BHURE

.....Petitioner

VERSUS

UT OF CHANDIGARH

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.P.B.S.Goraya, Advocate,
for the petitioner.

Mr. Manish Bansal, P.P., UT, Chandigarh.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 483 of Bharatiya Nagrik Suraksha Sahita, 2023 read with Section 439 Cr.P.C., the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.24, dated 28.03.2024, under Sections 307, 323 and 34 of the IPC and under Sections 25/27/54/59 of the Arms Act, registered at Police Station Sector-26, Chandigarh.

2. The prosecution agency was set into motion on a statement made by one Jagan Nath son of Badlu. The relevant extract of the FIR reads as under:-

“Statement of Jagan Nath S/o Badlu R/o Krishan Dhaba Grain Market sector 26 Chd aged 32 years. Stated that I along with my brother Krishan live at above mentioned address and work at grain market for selling coconuts. That on the intervening night of 27/28.03.2024 we all were sleeping at our dhabha and at around 12:30 AM one boy named Gajendar came and tried to pick up the mobile phone of Anil who was also sleeping at dhaba but my brother Kishan saw him and immediately Gajendar returned back the phone to Anil and went away. After some time Gajendar came back with Bura and one other boy, on arriving Bura caught hold of Kishan from his neck and said that 'you try to become badmash and said why you told Gajendar to give back

the phone and why you forced Gajendar to return the phone and started abusing and bura caught hold of my brother and told Gajendar 'let's finish his story and give him knife blow'. On hearing this, Gajendar gave knife blow to my brother Kishan hitting him below his chest. When I raised hue and cry, Bura and Gajendar started running away and while running Bura hit Kapoorey S/o Patil with stick, despite being injured, My brother kishan ran behind both of them but fell down at some distance. I got scared and while I was hiding I had seen that Gajendar and Bura gave knife blow to Kishan after conspiring with each other. Meanwhile someone called PCR and we came to GMCH 32 in PCR and Kapoor also reached GMCH 32 Bura and Gajendar with the intension to kill gave knife blow to my brother Kishan. Legal action be taken against them. Statement given, Heard, it is correct SD/- Jagan Nath dated 28.03.2024, attested Vijender Singh ASI P.S 26 Chandigarh. ”

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that the petitioner has suffered incarceration of more than 5 months, as on today.

4. He further submits that the injury which is attributed to the present petitioner is simple in nature. He also submits that the role which is attributed to the present petitioner is that he caught hold the injured namely Krishan, which facilitated the main accused-Gajendar to give stab-wound injury to him.

5. He in addition draws attention of this Court towards Annexure P-2, which is the MLR of Kapoory, and submits that the injury caused to him, which is attributed to the present petitioner, is simple in nature.

6. He over and above submits that the trial is yet to begin, as the charges are yet to be framed, therefore, no fruitful purpose would be served by keeping the petitioner behind the bars.

8. On the other hand, the learned Public Prosecutor, while opposing the asked for relief (*supra*), to the present petitioner, has filed a status report, dated 13.09.2024, by way of an affidavit of Sh.Rajnish,

SDPO, East, Chandigarh, today in Court. The same is ordered to be taken on record.

9. He further submits that the present petitioner not only caused injury to Kapoory, but also caught hold Krishan.

10. He has also filed a custody certificate *qua* the petitioner which reflects that the petitioner has suffered incarceration of 05 months and 19 days, as on today. Though one more FIR is shown to be registered against him, however, he has been acquitted in that case.

11 He also submits, on instructions imparted to him by the police official concerned, that final report has already been filed on dated 25.06.2024, but the charges are yet to be framed. In the final report, the prosecution has cited total 19 witnesses.

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

13. Without commenting upon the merits of the present case, and considering the nature of injury, as attributed to the present petitioner, and the fact that the petitioner has suffered incarceration of 05 monts and 19 days as on today, and the trial is yet to begin, as the charges have not been framed till date, and the conclusion of trial will take a long time, 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 his bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

14. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

15. 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.

16. All pending application(s), if any, stand **disposed** of accordingly.

September 16, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No