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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42576-2024 (O&M)
Date of Decision:- 03.12.2024

AKASH

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Saksham Malhotra, Advocate for the petitioner.
Mr. Iqbalpreet Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 02.12.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Nangal, District Rupnagar, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
26	09.03.2024	341, 323, 294, 506 and 34 IPC; (326 IPC added later on)	Nangal, District Rupnagar

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



submits that the petitioner is not having any criminal antecedents nor he has participated in the alleged crime but has been implicated in this case by the complainant just to harass him. He submits that the petitioner is in custody since 12.05.2024 and no specific overt act is attributed to him. The challan against the petitioner has been presented and he is no more required for further investigation. He thus prayed for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report and on instructions from ASI Keshav Kumar, Investigating Officer of the case submits that the petitioner had participated in the occurrence along with co-accused and restrained as well as intimidated the complainant/injured. However, it is admitted that no injury has been caused by the petitioner to the complainant in the alleged occurrence. As per learned State counsel 11 witnesses have been cited by the prosecution and till date none has been examined.

6. After considering the rival contentions and perusing the record, it transpires that the case of prosecution is that petitioner along with co-accused Sumit @ Pankaj, Sujal @ Vivek Kumr and Yash had inflicted multiple injuries on the person of complainant Dharamveer. The FIR was registered under Sections 341, 323, 294, 506 and 34 IPC and the petitioner along with co-accused were arrested firstly on 23.03.2024, however, on account of bailable offence, they were released on bail and subsequently with addition of offence under Section 326 IPC, the petitioner was again arrested on 12.05.2024. The only role attributed to the petitioner is that of

restraining and intimidating the complainant. Admittedly, no injury whatsoever has been attributed to the petitioner and after his arrest and consequent upon conclusion of investigation, challan has been presented for trial in the Court of Magistrate, wherein charges have been framed. The prosecution has cited 11 witnesses but none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

03.12.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |