



214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43590-2024
Date of Decision:11.12.2024

RAKESH KUMAR

....Petitioner

VERSUS

UT CHANDIGARH

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Dharam Bir Bhargav, Advocate and
Mr. Kulwinder Bhargav, Advocate for the petitioner.

Mr. Sarvjit, Addl.P.P. U.T., Chandigarh.

Ms. Ekta Thakur, Advocate with
Ms. Shikha, Advocate for the complainant.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.87 dated 07.06.2024 registered for the offences punishable under Sections 308, 323, 506 of IPC (Section 201 of IPC added later on) at Police Station Manimajra, District Chandigarh.

2. The allegations in nutshell are that complainant Meera wife of Sumesh Chand made statement to the police that at the time of occurrence on 07.06.2024, she was attacked by the present petitioner and petitioner caused injuries to her with the help of hammer and thereafter the petitioner fled away from there. During investigation the petitioner was arrested.



3. Counsel for the petitioner *inter alia* submits that petitioner is falsely implicated in the present case and is incarcerated for the last about 6 months and is having no criminal history. It is further submitted that as per medical record, the injuries found on head of the complainant were declared simple in nature while only one injury that too on left little finger of the complainant was found to be grievous in nature. It is further submitted that during trial complainant and her husband are already examined but it will take time for the trial to conclude and in the given circumstances, no purpose is going to be served by prolonging the judicial custody of the petitioner.

4. Present petition is resisted by the State Counsel as well as counsel for the complainant. Both of whom submitted that the petitioner attacked the complainant with intention to kill her and while doing so, the petitioner gave hammer blows on the head and other parts of the body of the complainant. However, the State counsel has not disputed the fact that petitioner is in custody for the last more than 5 months and 22 days and is having no criminal antecedents and further the injuries on the head of the complainant were found to be simple in nature while injuries found on ring finger and little finger of left hand of complainant were found to be grievous in nature.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the material witnesses namely complainant and her husband are already examined during trial.



7. Intention, if any, of the petitioner to kill the complainant will be unfolded during trial. Otherwise as apprised by the State counsel, injuries on the head of the complainant were found to be simple in nature and only injuries found on the fingers of left hand of complainant are declared grievous in nature. As per the allegations appearing in the FIR, at the time of occurrence petitioner was armed with hammer. The petitioner is in custody for the last about 6 months and is not involved in any other criminal case. Further complainant and her husband are already examined during trial and thus there is no apprehension that if the petitioner is released on bail is going to influence the material witnesses. However, it will take time for the trial to terminate as till date prosecution has examined only 3 witnesses out of total 18 witnesses. In the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. During the pendency of the trial, petitioner should refrain from visiting the vicinity where the complainant and her husband are residing.

(KARAMJIT SINGH)
JUDGE

11.12.2024
Priyanka Thakur

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No