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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45621-2024
Date of decision: 19.09.2024

RAHUL KUMAR ALIAS GHORA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

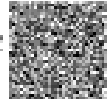
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Shrey Goel, Advocate for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

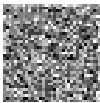
JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.62 dated 24.05.2022, under Sections 307, 326, 323, 324, 148 and 149 of the IPC, registered at Police Station Daba, Ludhiana, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 1 year and 6 months and investigation of the case has already been completed and thereafter, charges qua the petitioner were framed by the learned trial Court on 21.08.2023 and more than 1 year has elapsed after framing of the charges and not even a single prosecution witness has been examined till date. He further submitted that as per the allegations contained in the FIR, about 10-12 boys who were holding *daat* and *tokke* in their hands raised lalkara and attacked the complainant, namely, Ajit Kumar and so far as the role of the



present petitioner is concerned, as per the allegations he had given *daat* blow on the head of the complainant. He further submitted that in fact the petitioner has been falsely implicated in the present case and that is the reason as to why more than 1 year has elapsed after framing of the charges and not even a single prosecution witness has been examined and even the complainant has not come forward for deposing before the learned trial Court. He further submitted that the petitioner has clean antecedents and he is not involved in any other case and one of the co-accused, namely, Inderpal Singh alias Sunny has been extended the benefit of regular bail by this Court vide Annexure P-3 on 05.01.2024, although role attributable to him was little different because he was nominated later on on the basis of supplementary statement of the complainant. He also submitted that the complainant is hale and hearty and in view of the aforesaid custody of the petitioner and the stage of the trial, the petitioner may be considered for the grant of regular bail as well.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab submitted that it is correct that the petitioner is in custody for 1 year and 6 months and till date not even a single prosecution witness has been examined and it is also correct that he has clean antecedents and is not involved in any other case. He further submitted that so far as the claim of the petitioner for seeking parity with the aforesaid co-accused is concerned, he is not at parity with the aforesaid co-accused because the aforesaid co-accused was nominated on the basis of supplementary statement of the complainant, whereas the petitioner has been specifically named in the FIR and the role attributable to him is of giving a blow with *daat* on the head of the complainant.



4. I have heard the learned counsels for the parties.
5. It is a case where the petitioner is in custody for 1 year and 6 months and as per the learned counsels for the parties, the petitioner has clean antecedents and he is not involved in any other case. It is so stated by the learned counsels for the parties that more than 1 year has elapsed after the framing of the charges but not even a single prosecution witness has been examined till date. The aforesaid co-accused, namely, Inderpal Singh alias Sunny, although not exactly at parity with the present petitioner, has already been extended the benefit of regular bail by this Court vide Annexure P-3 as aforesaid.
6. After hearing learned counsel for the parties, this Court is of the view that considering the aforesaid custody of the petitioner and the stage of the trial, the petitioner deserves the concession of regular bail.
7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

19.09.2024
Chetan Thakur

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