

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

225

2024:PHHC:012570

CRM-M-52029-2023

Date of decision: January 30, 2024

RAMPAL @ BUNTY LUBANA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.331 dated 03.11.2022 (Annexure P-1) under Sections 307, 326, 323, 34 of the Indian Penal Code, 1860, registered at Police Station Tripuri, District Patiala.

2. Learned counsel for the petitioner *inter alia* contends that the it is a case of version and cross-version, wherein admittedly both the sides received injuries at the hands of each other. Learned counsel has further submitted that the petitioner has been attributed simple injury and that too with a 'tawa' on the left arm of the injured-Jarmanjeet Singh @ Bhalwan Singh. Learned counsel submits that since the investigation in the case in hand is complete as challan stands presented, further incarceration of the petitioner would serve no useful purpose as charges are likely to be framed on 12.02.2024, coupled with the fact that the co-accused who was attributed a grievous injury had already been granted bail.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions, has informed that no doubt it is a case of version and cross-version, however, the occurrence emanated from a quarrel between jail inmates; co-accused Pawan Kumar @ Budhu and Lakhvir Singh Rana @ Golu had inflicted injuries on the person of the injured with a ladle, as a result of which, one of his fingers was chopped off. Learned State counsel, on further instructions, has not disputed that the petitioner has been attributed a simple injury on the arm of the complainant. Learned State counsel has filed the custody certificate of the petitioner in the Court today, which is taken on record subject to just exceptions. He has submitted that the petitioner is involved in 5 other criminal cases, though he is in custody in all those cases.

4. On a pointed query put to the learned State counsel as to whether the co-accused Lakhvir Singh, who has been enlarged on bail, was also involved in any other criminal case, he, on instructions, has replied in the affirmative. It has also further been submitted that all the other co-accused have since been extended the concession of bail by a Coordinate Bench of this Court vide order dated 25.09.2023 (Annexure P-6).

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

6. The petitioner has been in custody for almost 1 year and 3 months, having been arrested on 03.11.2022. The injury attributed to the petitioner, as not disputed by the learned State counsel, was opined to be simple in nature. There is no likelihood of the trial concluding in the near future as charges have not yet been framed and as many as 25 witnesses have been cited by the prosecution.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. The petition as such is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.
8. 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.
9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

January 30, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No