

(227) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53873-2023
Date of Decision: 29.01.2024

SURAJ KUMAR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Malkiat S. Hundal, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0039 dated 23.03.2021 under Sections 307, 323, 324, 34 IPC (Sections 148, 149 and 120-B IPC added later on) registered with Police Station Bullowal, District Hoshiarpur (Annexure P-3).

2. The present FIR came to be registered at the instance of Gulshan Kumar who stated that he had a brother Vinod Kumar whose marriage was solemnized 07 years ago with Manju and they had one child of the age of 05 years. Manju was having illicit relations with one Raman Kumar (granted bail vide order dated 04.08.2022 passed in CRM-M-46642-2021) which caused annoyance to his brother Vinod Kumar. His brother had a quarrel with Raman Kumar regarding which a case had been filed against Vinod Kumar. On 22.03.2021, Raman Kumar and his companions inflicted injuries with sharp edged weapons on the head and body of his brother Vinod Kumar with an

intention to kill him. Based on the said complaint, the present FIR came to be registered.

The petitioner-Suraj Kumar was arrested in FIR No.46 dated 13.04.2021 under Sections 399, 402, 411, 473 IPC and 25/54/59 of Arms Act, Police Station Verka, District Amritsar and suffered his confessional statement in the said case that he had caused injuries to a person near Hoshiarpur.

As the petitioner was nominated as an accused in the present case, he was arrested on the basis of production warrants and got recovered a Dattar. The petitioner was identified by injured Vinod Kumar during investigation.

3. The learned counsel for the petitioner *inter alia* contends that the complainant is not eye-witness to the occurrence. In fact, the present FIR is a counter-blast to an earlier FIR No.0332 dated 14.12.2020 (Annexure P-1) under Sections 323, 325, 148 and 149 IPC at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar got registered at the instance of Raman Kumar against the said Vinod Kumar. Be that as it may, the petitioner is not named in the FIR and came to be nominated as an accused on the basis of his own disclosure statement while in custody in another case. Even otherwise, the petitioner has been custody since 20.05.2021 and none out of the 09 prosecution witnesses have been examined so far. Co-accused Raman Kumar had been granted the concession of bail. So far as, the injured Vinod Kumar is concerned, he has been released from hospital in a stable condition and is carrying out his daily pursuits. He, thus contends that the petitioner deserves the concession of regular bail.

4. A short reply dated 28.01.2024 by way of an affidavit of Talwinder Kumar, PPS, Deputy Superintendent of Police, Sub Division Rural, District Hoshiarpur has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He submits that Raman Kumar, Ajay Kumar and the present petitioner caused injuries on the head of the said Vinod Kumar which have been declared to be dangerous to life. It is therefore, contended that the nature of injuries suffered by the injured Vinod Kumar and the manner in which the occurrence has taken place does not entitle the petitioner to the grant of bail moreso as the petitioner has multiple cases registered against him.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, there is some dispute between the parties on account of the alleged illicit relations between Raman Kumar co-accused and the wife of Vinod Kumar and an FIR earlier had been registered at the instance of Raman Kumar against Vinod Kumar. Vinod Kumar has since been released from hospital and is carrying out his daily pursuits. The investigation stands completed and none out of the 09 prosecution witnesses have been examined so far. Therefore, the Trial is unlikely to conclude any time soon. In these circumstances, the further incarceration of the petitioner is not required as he has already been in custody in since 20.05.2021 and a co-accused has been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

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8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the Trial without sufficient cause..
9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

29.01.2024
JITESH

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