

227 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 54653 of 2023 (O&M)
Date of decision : 01.02.2024

Kamal Kumar Bori
.....Petitioner

vs.

State of Punjab
.....Respondent

CORAM: HON’BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Vikram Satpal Anand, Advocate for the complainant.

Mr. Iqbal Singh Mann, Deputy Advocate General,
Punjab, for the respondent/State

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PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 154 dated 25.08.2023, registered for the offences punishable under Sections 342, 506, 148 and 149 of IPC (Sections 323 and 387 IPC added in challan) and Sections 25, 27, 54, 59 of Arms Act, at Police Station Cantonment Amritsar City.
2. Counsel for the petitioner contends that the FIR has been filed under Sections 342, 506, 148 and 149 of IPC. Counsel for the petitioner submits that the simple offence under Section 323 IPC was further enhanced to be read alongwith Section 387 IPC on the basis of GDR dated 22.10.2023 and it is a case of false implication, which can be inferred from the fact that the FIR came into being on 25.8.2023 and the MLR is stated to

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be of 6.9.2023, whereas the present GDR was recorded only on 22.10.2023. He further submits that the investigation already stands concluded and the challan has been presented. Thus there is no reason to prolong the custody of the petitioner.

3. Counsel for the petitioner further submits that even if the allegations of GDR are taken, there is no allegation in respect of extortion and thus Section 387 IPC will not be made out against the petitioner.

4. Mr. Vikram Satpal Anand, Advocate, appearing for the complainant, while assisting Mr. Iqbal Singh Mann, Deputy Advocate General, appearing for the State of Punjab, submits that there are more than 23 cases pending against the petitioner, who is a habitual offender, thus he does not deserve the concession of bail.

5. Having heard the rival contentions made by counsel for the parties and going through the record of the case, keeping in view the fact the investigation already stands concluded and nature of allegations against the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

01.02.2024
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(PANKAJ JAIN)
JUDGE

Whether speaking / reasoned Yes / No

Whether reportable Yes / No