

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

227

**CRM-M-52518-2024
Date of Decision: 18.11.2024**

VIJAY KUMAR @ CHHOTU ...Petitioner
Vs.
STATE OF PUNJAB ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Lupil Gupta, Advocate,
Mr. Simranjot Singh, Advocate and
Mr. Hritik Sharma, Advocate
for the petitioner.

Mr. M. S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 438 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.249 dated 02.12.2022 registered under Section(s) 308, 325, 341, 323, 506, 148 and 149 IPC at Police Station City Jagraon, Police District Ludhiana Rural.
2. The FIR in the present case was registered on the basis of the statement made by Jagdeep Singh @ Deep and the same has been reproduced below:-

“Statement of Jagdeep Singh alias Deep son of Gurmail Singh son of Harbans Singh resident of village Dalla, Police Station Hathur District Ludhiana, aged about 33 years, Mobile No. 9522600003, stated that I am resident of abovesaid address and works as agriculturist. Yesterday dated 01.12.2022, at about 01:00, that I alongwith my friend Hardeep Singh son of Gurcharan



Singh resident of Dalla came to Jagraon for personal work on Scooty, when we arrived at Kamal Chownk, then Bachi was already standing at Kamal Chownk. I was about to pass near from him then Bach resident of Jagraon suddenly raised voice and IKRAM SINGH at same time rounded me by restraining then Bachi says that three years ago you compromised my matter with force and started abusing me, who was holding a Baseball bat in his right hand. When I stopped him for abusing me then suddenly Kamalpreet Singh son of Kulwinder Singh resident of Jagraon handed with Iron Rode, Jagdeep Singh son of Baldev Singh resident of Dalla, who was holding Baseball bat in right hand, Prince resident of Jagraon who was holding Baseball bat in right hand, Vijay resident of Atam Nagar who was holding Wooden Dasta, Jaspreet Kaur wife of Kulwinder Singh resident of Jagraon came there and started abusing me then in mean time Jaspreet Kaur raised Lalkara and said that put him down, will not be spared. Then Kamalpreet Singh hit me with handed iron rod on my backside of head, then I was shocked, in mean time Jagdeep Singh hit me with handed Baseball bat on backside of my head, then Bachi hit me with handed Baseball bat on backside of my head. These three inflicted injuries on my head with intention to kill me. Then i fell down, while lying on ground Prince resident of Jagraon hit me with handed Baseball bat on my right Arm beneath elbow and Vijay resident of Atam Nagar Jagraon hit me with 'wooden' on my left arm, while lying, they beaten me with handed weapons which hit on my right leg above the calf, then I raised voice and said



'Maarta-Maarta'. While seeing the gathering, above all ran away with their respective weapons while abusing and threatening me. Then my friend Hardeep Singh son of Gurcharan Singh resident of Dalla came on spot. Who through private car got admitted me in Civil Hospital Jagraon, where I am under treatment. The motive behind this attack about three years back, a money dispute arose between Bachi and my co-villager and in which I intervened and got the same compromised between them. He thinks that I pressurized him, due to this Bachi alongwith his accomplices given beatings to me. Today I got my statement recorded to you, which is heard and found correct. Please take action. Sd/- Jagdeep Singh, Jagdeep Singh aforesaid, attested by Sd/- Jarnail Singh ASI, Police Station City Jagraon, dated 02.12.2022.'

3. Learned counsel for the petitioner submits that the occurrence had taken place on 01.12.2023, whereas the FIR has been registered at 09:20 pm on 02.12.2022 and this time was utilized by the complainant in coining a false version. He further contends that the recovery, if any, has already been effected from the petitioner and the final report under Section 173 Cr.P.C. has already been presented against the petitioner. The petitioner was arrested in the present case on 10.07.2024 and is in custody since then. Apart from that, the injured has already been discharged from the hospital. Thus, further custody of the petitioner will serve no meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on

the ground that the petitioner is also one of the main accused and was duly gave a blow on the back side of the head of the complainant. He further contends that one more case under Section 307 IPC was registered against him. However, he is stated to be on bail in the said case. Thus, he does not deserve the concession of bail by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 10.07.2024 and is in custody for the last more than four months. Apart from that, one more case was registered against the petitioner but the petitioner is on bail in the said case. In the present case, the injured has already been discharged from the hospital. Moreover, final report under Section 173 Cr.P.C. has already been presented against the petitioner before the trial Court.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

18.11.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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