

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**CRM-M-56053-2023****Date of Decision: 15.1.2024**

Abhinav

....Petitioner**VERSUS**

State of Punjab

....Respondent**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Jasdeep Singh, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab

***********KARAMJIT SINGH, J.**

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.151 dated 30.6.2023 registered for the offences punishable under Sections 307, 323, 341, 148, 149 IPC at Police Station Division No.5, Ludhiana.

2. As per allegations appearing on record, the petitioner and other accused persons along with 10-12 unknown persons all of whom were armed with baseball bats and iron rods attacked Kulwinder Singh, Lovepreet Singh and Karanbir Singh on 24.6.2023 and caused injuries to them with blunt weapons. The petitioner was arrested in this case on 14.7.2023.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody since 14.7.2023 and during investigation, no weapon was recovered by the police at the instance

of the petitioner and no specific injury is attributed to the petitioner who is having no criminal history and after completion of investigation, the police has presented the challan and it will take considerable time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that there are serious allegations appearing on record against the petitioner and other accused persons; that they caused injuries to complainant-Kulwinder Singh, Lovepreet Singh and Karanbir Singh with blunt weapons and one of the said injury was found to be grievous in nature. However, the State counsel has not disputed the fact that the petitioner was arrested on 14.7.2023 but no incriminating article was recovered from the possession of the petitioner and even otherwise, no specific injuries are attributed to the petitioner. State counsel has also not disputed the fact that the petitioner is having no criminal history and that now the trial is fixed for framing of charges against the petitioner and other accused persons.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner, who is having no criminal history, is in custody since 14.7.2023 and during investigation, no weapon was recovered at the instance of the petitioner and after completion of investigation, the police has presented the challan but it will take considerable time for the trial to conclude as till date, charges are not framed. Further, the State counsel admitted that all the 3 injured are already discharged from the hospital and that no specific injuries are attributed to the petitioner. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 15, 2024
Paritosh Kumar

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