

207-2
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57134-2023
Date of decision: 25.01.2024

Gurdeep Rai

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vivek. K. Thakur, Advocate for the petitioner.

Mr. Virat Rana, AAG, Punjab.

Mr. Jagpal Singh, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in criminal case having FIR No.151 dated 05.07.2023 registered under Sections 452, 307, 326, 323, 324, 506, 427, 148 & 149 of IPC at Police Station Jamalpur, District Ludhiana (Annexure P-1).
2. The allegations in nutshell are that at the time of occurrence, petitioner armed with *dattar* and other co-accused armed with different weapons caused injuries to complainant Kanhiya Kumar @ Adarsh Rai. The petitioner was arrested in this case on 07.07.2023.
3. The counsel for the petitioner inter alia submits that the petitioner is falsely implicated in the present case and is in custody since

07.07.2023 and is presently lodged in judicial custody and that the only allegations against the petitioner are that he caused grievous injuries on the little finger and ring finger of the complainant with the help of sharp edged weapon which entails offence under Section 326 IPC, at the most. It is further submitted that the aforesaid injuries attributed to the petitioner were caused on non vital part of body of complainant. It is further submitted that on completion of investigation police presented challan but charges are yet to be framed against the petitioner and the petitioner is also involved in one another hurt case wherein he is granted bail. It is further submitted that no purpose is going to be served by prolonging judicial custody of the petitioner as it will take considerable time for the trial to conclude.

4. The additional affidavit of Jatinder Singh, Assistant Commissioner of Police, Industrial Area-A, Ludhiana filed on behalf of the State is taken on record along with copy of MLR Annexure R-1 and opinion on medical board Annexure R-2.

5. The present petition is resisted by the State counsel as well as counsel for the complainant, both of whom have argued that the petitioner is main accused and was member of unlawful assembly and caused injuries on the person of complainant with the help of *dattar* which were found to be grievous in nature. However, the State counsel on instructions from ASI Joginder Pal has not disputed the fact that the petitioner is in custody since 07.07.2023 and that the trial is at its initial stage.

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

6. From the perusal of the aforesaid additional affidavit of Jatinder Singh, Assistant Commissioner of Police, it appears that petitioner caused 2 injuries on the fingers of left hand of complainant with sharp edged weapon and the same were found to be grievous in nature. The said injuries were caused on non vital part of body of the complainant. The petitioner is in custody since 07.07.2023 and after completion of investigation, police has presented challan but charges are still to be framed and thereafter, it will take considerable time for trial to conclude. It has come on the record that the petitioner is already released on bail in another criminal case faced by him. It being so, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In light of the above, without expressing any opinion 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/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned, if the petitioner is not required by the police in any other criminal case.

25.01.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**