

CRM-M-60816-2023  
Date of Decision: 20.02.2024

ANKUSH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Divya Gulati, Advocate  
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

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**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.0134 dated 03.07.2023 registered for the offences punishable under Sections 323, 324, 506, 341, 148 and 149 of IPC and subsequently added Section 307 of IPC at Police Station Chheharta, District Amritsar.

2. Police received information regarding admission of injured Raja Singh in a hospital and visited the hospital and recorded the statement of complainant Vikas who made statement against the accused persons with regard to occurrence which took place on 02.07.2023 and the said FIR was registered against Karan Wadali and three unknown persons. Later on Karandeep Singh was arrested in this case and the name of the petitioner surfaced in the disclosure statement made by said Karandeep Singh as per which at the time of occurrence the petitioner caused injury to Raja Singh with the help of iron bracelet (Kada). During investigation the petitioner was arrested by the police and the weapon used by him in the commission of crime was recovered.

3. Counsel for the petitioner submits that the petitioner was falsely named in the present FIR and is in custody since 06.09.2023 and the alleged recoveries are already effected and after completion of investigation, challan stands presented but it will take considerable time for the trial to conclude. It is further contended that the main injury covered under Section 307 IPC is not attributed to the petitioner. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that during investigation the name of the petitioner was disclosed by co-accused Karandeep Singh and thereafter the petitioner was arrested on 06.09.2023 and during investigation one datar and one Iron Kada was recovered at his instance. Learned State counsel on instructions from ASI Sarwan Singh has not refuted the fact that the main injury is not attributed to the petitioner and further till date no witness has been examined on behalf of the prosecution out of total 17 witnesses.

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

6. Admittedly, the petitioner was not named in the FIR and was later on nominated as accused on the basis of disclosure statement made by co-accused and the veracity and admissibility of any such disclosure statement made by co-accused will be tested during trial. As has been admitted by the State counsel the main injury is not attributed to the petitioner who is in custody since 06.09.2023. The recoveries are already effected in this case and after completion of investigation challan is also presented but after framing of charges till date prosecution is unable to examine any witness on its behalf. In the given circumstances, no useful

purpose is going to be served by prolonging the judicial custody of petitioner 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.

20.02.2024

Priyanka Thakur

(KARAMJIT SINGH)  
JUDGE

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