



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

235

CRM-M-38030-2024

Date of decision: March 5th, 2025

Arjun

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashish Nagar, Advocate
for the petitioner.

Mr. Baljinder Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail in FIR No.76 dated 12.06.2023 registered under Sections 307, 323, 506, 148, 149 of the Indian Penal Code at Police Station Phase-8, Mohali.

2. Learned counsel for the petitioner submits that although the petitioner was named in the FIR in question, however, neither any injury was attributed to him on the person of the complainant nor is it the case of the prosecution that the petitioner was armed with any weapon, much less lethal. It has been submitted that the petitioner did not even have any motive to carry out the assault on the complainant as undisputedly, the motive to commit the crime in question was with co-accused Gaurav alias Guri, who allegedly had a history of strained relations with the complainant. Learned counsel has submitted that in the aforementioned facts and circumstances, more so when after the challan was presented on 26.08.2023, the trial has not proceeded any further, the petitioner deserves

to be extended the concession of bail as the possibility of the trial concluding the near future does not arise.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the allegations levelled in the FIR in question (Annexure P-1), which stands reproduced hereinunder:

"Copy statement of Harsh S/o Kulwinder Singh R/o Village Kumbra, District S.A.S Nagar aged about 20 years M.No.7719482171. Stated that I am resident of above mentioned adress and is student of 11th class. Yesterday on dated 11.06.2023 at around 8 O'clock in the park located in front of Lawrence School, Kumbra, Gaurav @Guri son of Phool Kumar R/o Village Kumbra and Rahul Moudgil S/o Raveen Moudgil r/o Village Bassi Pathana, District-Fatehgarh Sahib now residing at Sohana entered into arguments and slapped each other. The residents of the village compromised the matter between them. That at the same time Prince was also standing nearby. That in some time, I, Rahul Mudgil and Prince came near Morniwal Khu at Village-Kumbra. Then when we were standing in front of the shop of Babbi doctor then around 10-11 boys on the three motorcycles and one Activa came towards them from "Tobe Wali Gali" who were carrying Kirpan and Gandasi and attacked on our head with intention to kill me, Rahul Moudgil and prince, and raised Lalkara that today they will them. One Sikh boy directly give Gandasi blow on my head which hit me on my head. Then he again made the second blow on my head and I raised my right hand to save myself therefore the Gandasi blow hit my right palm. In the meantime three four boys started attacking Prince. That Prince sustained deep wound on the back side of the head on the neck. Then a lot of blood was oozing out from me and Prince and we ran away to save ourselves. In order to save ourselves we entered nearby PG where Prince got 'unconcious' and fell on the ground.

The accused alongwith their respective weapons fled away from the spot while extending threats that today we were saved but they will kill next time. If I had not raised my hand, I would have been killed with Gandasi blow. Then the brother in law (JiJa) of Rahul arranged the car and brought we all three (me, Rahul Moudgil and Prince) Civil Hospital, Phase-6, Mohali. Prince was referred to PGI Chandigarh due to seriousness of injury and loss of blood. I am being admitted in hospital and Rahul has been discharged. The root cause for fight Gaurav @ Guri and Rahul Moudgil was one girl. The persons who attacked us were (1) Gaurav @ Guri S/o Phool Kumar R/o Village-Kumbra, District-S.A.S Nagar (2) Harpal Singh @Babbu R/o Sohana (3) Karanveer Singh S/o Randhir Singh R/o Village-Sohana, District-S.A.S Nagar (4) Arjun S/o Kawarpal Singh R/o Kumbra (5) Hardip Singh S/o Netar Singh R/o Village-Kumbra, to whom I Know and I can recognise the other 5-6 persons if they came before me. kindly take action against above mentioned persons”

4. It has been argued by the learned State counsel that although the petitioner has not been attributed any injury or role in the occurrence in question, however, he was part of the unlawful assembly which inflicted multiple injuries on the person of the complainant, as a result of which the complainant slipped into coma and continues to be in comatose till date. Learned State counsel, on further instructions from ASI Surinder, has not disputed the custody period of the petitioner nor has he disputed, on instructions, that even though challan was presented way back on 26.08.2023 and charges were framed on 13.02.2025, however, prosecution evidence has not yet commenced and is likely to commence on the next date fixed before the trial Court i.e. 07.03.2025.

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

6. As not disputed by the learned State counsel, although the petitioner has been named in the FIR in question, however, neither was he alleged to be armed with any weapon nor has any specific role or injury been attributed to him. Challan already stands presented and charges framed, however, none of the 19 prosecution witnesses have been examined so far. Hence, there is no likelihood of the trial concluding in the near future.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 5th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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