



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

221

CRM-M-64807-2024

Date of decision: 10th January, 2025

Aman @ Amandeep

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jagdish Singh Mahal, Advocate for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 204 dated 04.10.2019 registered under Sections 307, 324, 452, 427, 148 and 149 of IPC, 1860 (Section 326 of IPC added later on) at Police Station Civil Lines, Batala, District Batala.

2. As per the prosecution case as on 26.09.2019, the complainant-Jatinder Kumar along with his father Parvesh Kumar had gone to matrimonial house of his sister Sapna married to Vijay Kumar. Vijay Kumar came home in their presence and informed that someone had taken away his phone and had returned it with great difficulty. In the meanwhile, the



petitioner along with the co-accused barged into the house of his sister and all of them opened an attack upon the complainant and his family members. The petitioner struck a blow with a *datar* on the nose and lip of the complainant due to which he suffered a fracture on his jaw apart from sustaining other injuries. On raising alarm, the assailants fled away. After registration of FIR, investigation proceedings were initiated. The petitioner could not apprehended. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed person. He was arrested on 06.05.2022 and is in custody since then. He is facing trial for commission of the aforementioned offences.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody for a period of over two and half years. Trial is likely to take time. The co-accused have already been granted benefit of regular bail. No useful purpose would be served by keeping in him in custody anymore. Therefore, it is urged that he deserves to be released on bail.

4. Learned Deputy Advocate General, Punjab has advance notice of the petition and has submitted that the petitioner was declared a proclaimed person and avoided his arrest. There are chances of his absconding again, if extended benefit of bail. There are serious allegations against the petitioner as he had caused grievous injuries to the victim Jitender Kumar. As such, it is argued that he does not deserve to be released on bail.



5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, he is alleged to have voluntarily caused simple as well as grievous injuries to the members of complainant party. He was declared a proclaimed person but now he is in custody. Since out of twenty-eight prosecution witnesses, fourteen witnesses have been examined. Trial is likely to take time. Injuries as sustained at the hands of the petitioner had not been opined to be dangerous to life. Keeping in view the period spent by the petitioner in custody, the nature of the attribution made to him and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that he deserves to be released on bail subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned. He shall appear before the concerned Police Station once in the first Monday of every month to make his presence. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

7. In case of violation of any of the above conditions, the



jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th January, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |