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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-58197-2023

Date of decision:-23.01.2025

GULSHAN KUMAR @ SHERU

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Dinesh Trehan, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 22.01.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
55	17.03.2023	307, 323, 324 IPC	Salem Tabri, District Police Commissionerate Ludhiana

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 07.07.2023. He contends that no specific overt act has been attributed to the petitioner. After completion of investigation, challan



has already been presented in Court, wherein prosecution has cited 25 witnesses and till date none of them have been examined so far, as such, the conclusion will take long time, hence prayed for grant of regular bail to the petitioner.

5. *On the other hand*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner and other co-accused had caused injuries on the person of the complainant and others with an intention to kill them. He further submits that there are 17 other cases pending against the petitioner, as such he is not entitled to concession of bail. However, he had admitted the fact that after completion of investigation, challan has already been presented in Court wherein prosecution has cited 25 witnesses and till date none of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of complainant Rimpay stating that on 16.03.2023 she had been informed by Mukesh living in her street that some body attacked her husband Arun Bhatti with a sharp edged weapon opposite Malhotra Palace and he is injured. She immediately reached the spot and found her injured husband and immediately took him to the Civil Hospital, from where he was referred to CMC for further treatment. On these allegations, FIR was registered against some unknown persons causing injuries on the husband of the complainant with an intention to kill him.

7. It is evident from the record, petitioner was not named in the FIR and the same was registered against unknown persons and no specific



overt act has been attributed to the petitioner. Petitioner is in custody since 07.07.2023 and after completion of investigation, challan has already been presented Court, wherein prosecution has cited 25 witnesses and till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time as no witness till date has been examined. So far as the pendency of other cases are concerned, it is settled preposition of law as has been held by Hon'ble Supreme Court of India in ***Prabhakar Tewari v. State of U.P. & Anr., Law Finder Doc Id # 1670858*** that while dealing with the bail petition, the pendency of several criminal cases against the accused cannot by itself be considered sufficient for refusal of prayer for grant of bail.

8. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.01.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No