



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

211

**CRM-M-29075-2024 (O&M)
Date of Decision:- 23.05.2025**

KULDEEP KUMAR

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

| FIR No. | Dated | Sections | Police Station |
|----------------|--------------|---|---|
| 69 | 23.06.2023 | 307, 323, 148, 149 IPC; (324, 326, 201, 427 IPC added later on) | Mehatpur, District Jalandhar (Rural) |

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on account of party faction. He contends that the petitioner has neither participated in the alleged crime nor any specific overt act or injury has been attributed to him. He further contends that there is a CCTV footage of the



occurrence showing the persons with muffled faces causing injuries and no test identification parade has been conducted. He submits that the petitioner is in custody since 30.10.2023 and after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel on instructions from SI Gurnam Singh, Investigating Officer of the case and while referring to the status report filed by the State has opposed the petition on the ground that the petitioner along with co-accused by forming an unlawful assembly had caused injuries to the victims. However, on a query, the Investigating Officer has stated that no specific injury is attributed to the petitioner. He submits that the petitioner does not deserve the concession of bail and prays for dismissal of the petitioner.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint of Karan stating that on 23.06.2023 at about 06:30 PM, when the complainant along with his brother Gaurav, Raj and Thomas were going on motorcycle to their house, then Kuldeep (petitioner herein) armed with datar, Karan armed with datar, Manjit Singh along with his brother Tibbi and Baljit @ Dani and Gurvinder @ Ginda and Happy armed with sharp edged weapons came out of the car parked there and attacked upon the complainant party. Gaurav suffered injuries on his head, forehead, hands and legs, while Raj suffered



injuries on his head, right arm. The assailants were giving merciless beatings to the complainant party, however, on raising the alarm, the assailants fled away from the spot and the injured were shifted to the hospital. During the course of investigation, the petitioner was arrested on 30.10.2023 and since then he is in judicial custody. After the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 26 witnesses, however, none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

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

(SANJIV BERRY)
JUDGE

23.05.2025

S.Sharma(syr)

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