

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

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**CRM-M No.41285 of 2014.
Date of Decision: 13.03.2015.**

Sher Singh and another

...Petitioners.

Vs.

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. N.S. Shekhawat, Advocate
for the petitioners.

Mr. A.S. Kalar, Assistant Advocate General, Punjab.

Sneh Prashar, J.

The present petition has been filed under Section 439 of the Code of Criminal Procedure (in short, "Cr.P.C."), for grant of concession of regular bail to the petitioners in case F.I.R. No.53 dated 23.04.2014 registered under Sections 323, 341, 506, 307 and 326 read with Section 34 of Indian Penal Code (in short, "I.P.C.") at Police Station Phase-8, Mohali.

2. Precisely, the accusation against the petitioners is that on 23.04.2014 when complainant Avinash Chopra had gone to Genius Public School, Mohali to drop his son and after leaving him in the class had come out at about 9:10 AM, 3-4 youngsters, carrying iron rods, who were sitting in car bearing no.HR-05-A-0026, waylaid him and inflicted blows on his head, legs and other parts of the body. On the complaint lodged by him, a case under Sections 323, 341 and 506 read with section 34 of I.P.C. was

registered. During investigation, the petitioners and their co-accused Pardeep Lalka were arrested. Based on the medical opinion, Sections 307 and 326 of I.P.C. were added to the case.

The application for bail filed by the petitioners was dismissed by learned Additional Sessions Judge, Mohali, vide order dated 21.11.2014 whereas the application for bail filed by the third accused namely, Pardeep Lalka was allowed vide order dated 04.07.2014 finding the role attributed to them on a different footing.

3. Heard the submissions made by learned counsel representing the petitioners and learned State counsel.

4. As per the allegation contained in the First Information Report, the complainant was attacked with iron rods by 3-4 youngsters. During the course of arguments, learned counsel for the petitioners placed on file certified copy of the admission and discharge card of Grecian Super-Speciality Hospital, Mohali, according to which the complainant had suffered one head injury and the CT scan report of the complainant dated 23.04.2014 shows that he had a depressed fracture right high parietal bone. He was admitted in the hospital on 23.04.2014 and discharged on 24.04.2014 i.e. on the very next day and the certificate issued by the doctor at the time of discharge says that he was in stable condition at the time of discharge.

5. Learned counsel for the petitioners has also filed copy of the order dated 10.03.2015 of learned Additional Sessions Judge, Mohali, according to which on the said date the complainant had given an application for seeking time for making a statement during trial on the ground that as per his information the Investigating Officer is contemplating

to file supplementary challan. The Investigating Officer ASI Harpal Singh was present and he too stated that the supplementary challan was in process of completion after investigation. It shows that deposition of the complainant is not likely to be recorded on the date fixed i.e. 31.03.2015 also.

The petitioners are in custody since 15.05.2014 i.e. for the last about nine months. Apparently, proceedings in the case/trial are still likely to take some time. As far as the petitioners are concerned, there is no plausible ground to detain them further in custody and as such, they are admitted to bail on their furnishing bail/surety bonds to the satisfaction of the court of learned Additional Sessions Judge before whom the case is pending.

(SNEH PRASHAR)
JUDGE

March 13, 2015.

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