

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

**CRM-M No. 36864 of 2019
Date of Decision:-17.10.2019**

Sunil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vishavjeet Singh Rishi, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Sunil Kumar has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.251 dated 17.12.2018, under Sections 323, 307, 365, 506, 148 and 149 IPC, registered at Police Station Daba, District Ludhiana. The petitioner is in custody since his arrest on 22.12.2018.

As per the version of the prosecution in the FIR, which was recorded on the statement of Dalip Kumar, the victim was forcibly taken in a vehicle by accused, namely, Bhupinder Singh @ Rinku, Baljinder Kumar @ Kali and Arjun Kumar to the house of Sunil Kumar (petitioner) where his wife accused-Parminder Kaur @ Naano was also present. According to the allegations, the victim was given beatings, however, according to learned counsel for the petitioner, no injury was attributed to the petitioner.

According to learned counsel for the petitioner, there is previous enmity between the parties and the motive mentioned in the FIR itself i.e. pendency of other criminal case and possibility of false implication cannot be ruled out. Learned counsel contends that after completion of investigation, challan has been filed on 03.1.2019 and the charges were also framed on 09.1.2019. He further submits that on the similar footing, co-accused Parminder Kaur @ Naano has also been granted concession of regular bail by this Court vide order dated 11.4.2019 passed in CRM-M-15988-2019.

On the other hand, learned State counsel assisted by ASI Darshan opposed the bail application. However, it is not disputed that no injury has been attributed to the petitioner. It is also not disputed that there is no other case against the petitioner and the case of the petitioner is at par with co-accused Parminder Kaur @ Naano.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Ludhiana.

The petition is allowed.

October 17, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No