

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

**Crl. Misc. No.M-48408 of 2019 (O&M)  
Date of Decision: November 20, 2019.**

Surinder Pandit

.....PETITIONER

**VERSUS**

State of Punjab

.....RESPONDENT

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Atul Goyal, Advocate  
for the petitioner

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 47 dated 25.02.2019 registered for the offences punishable under Sections 302, 323, 324, 148 read with Section 149 of Indian Penal Coder, at Police Station Division No. 7, District Police Commissionerate Ludhiana.

Heard.

Notice of motion.

On asking of the court, Mr. Amitoj Singh Dhaliwal, D.A.G., Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per allegations in the FIR, complainant along with his brother-in-law Pintu Kumar and his brother Pappu Kumar were having a

chat at the shop where Vijay Pandit, Sanju Pandit, petitioner along with 4-5 unidentified persons came and started beating them with baseball bat and dangs. Kamdev Saini (deceased), who lives in adjoining house, came to the shop of complainant to intervene at which Vijay Pandit gave a dang blow to him due to which he fell down on the ground. When he (Kamdev Saini) got up and again tried to intervene, he was pushed with elbow, as a result of which, he again fell down on the ground. His brother Dalip Singh came at the spot and took Kamdev to CMC Hospital, where he succumbed to the injuries received by him.

Learned counsel for the petitioner submits that the petitioner has not been attributed any injury to the deceased. As per allegations in the FIR, they were causing injuries to the complainant, his brother-in-law Pintu Kumar and his brother-Pappu Kumar. Kamdev had intervened and has been attributed injury by Vijay Pandit while elbow push to him has not been attributed to any person specifically.

Learned State counsel submits that the learned trial Court has framed the charge against the petitioner for the offence punishable under Section 302 IPC and keeping in view the gravity of offence he is not entitled to the grant of bail.

As per case of the prosecution, petitioner has not caused any injury to Kamdev. As per allegations in FIR, they were giving beating to complainant, his brother-in-law and his brother when Kamdev intervened and was given a dang blow by Vijay Pandit. Petitioner has not been attributed any injury to the deceased. He was arrested in this case on 25.02.2019. After completion of investigation, challan against the petitioner

has been presented in the Court. It will be a matter before the trial Court to see as to whether charge under Section 302 IPC as framed against the petitioner is made out.

Without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Surinder Pandit is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

November 20, 2019  
*Jyoti-II*

( SURINDER GUPTA )  
JUDGE

***Whether speaking/reasoned:*** ***Yes/No***

***Whether Reportable:*** ***Yes/No***