

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

113

CRM-M-12810-2020 (O&M)

Date of decision : 27.05.2020

Soni Lal @ Sonu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Satinderpal Singh Dhaliwal, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab
for the respondent-State assisted by
ASI Pardeep Kumar.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video-conferencing.

CRM-11049-2020

Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for exemption from filing the court fee during the period of lock down.

In view of the lock down restrictions imposed to prevent spread of Covid-19 and the reasons mentioned in the application, the same is allowed and the petitioners are exempted from filing the court fee during the period of lock down and the same be filed on the next date of hearing.

CRM-M-12810-2020

The petitioner has filed present (1st) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.54 dated 09.04.2019 registered under Sections 307, 392, 323 read with Section 34 of the Indian Penal Code, 1860 at Police Station Urban Estate, Patiala.

The above-said FIR was registered on statement of injured-Rattan Sharma who alleged that on 09.04.2019 on being telephonically called by accused-Kalli to show him some house for taking on rent, he went to Kahnda Chownk in his car and picked up accused-Kalli and his companion (the petitioner) and after taking packed bread meal from Dhaba on Sirhind Road and quarter of alcohol from liquor shop at Rajpura Road went to Hira Bagh where accused-Kalli and the petitioner consumed alcohol. When he was about to leave accused Kalli locked the room and accused-Kalli and the petitioner started beating him. Accused Kalli stabbed him in the abdomen and tried to strangle him on which he became unconscious. When he re-gained consciousness, he found that both the accused, his purse, mobile and car were not there. After untying his hands and legs he went outside and woke up his neighbors who called the police and the ambulance.

The petitioner has filed the present petition for grant of regular bail.

Copy of the petition has already been supplied to learned State Counsel who has opposed the same.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner was not named in the FIR. The petitioner has been falsely implicated on the basis of disclosure statement of his co-accused Kalli. Stab injury is attributed to the co-accused Kalli. All the injuries were declared to be simple. No recovery was effected from the petitioner. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner along with his co-accused Kalli attempted to murder the complainant and also committed robbery of his valuables. The petitioner having committed heinous offences does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and allegations against the petitioner, the fact that the stab injury is attributed to the co-accused Kalli and also that the trial is likely to take long time and no useful purpose will be served by detention of the petitioner during trial but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.05.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No