

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

CRM-M-16363-2020
Date of decision: 28.08.2020

Sardari Lal and othersPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr. Amit Mehta, Senior DAG, Punjab
for the respondent-State.

Mr. Anandeshwar Gautam, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioners – Sardari Lal, Hans Lal and Joginder Singh have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.26 dated 30.03.2020 registered under Sections 307, 506, 148, 149 and 188 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Shahpurkandi, District Pathankot.

The petitioners, who are in custody since 01.04.2020, have filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel and learned Counsel for the complainant. However, no reply has been filed on behalf of the respondent-State and the complainant.

I have heard learned Counsel for the petitioners and

learned State Counsel assisted by learned Counsel for the complainant and gone through the record.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case due to political vendetta and financial influence of the complainant. As per the allegations made in the FIR, the petitioners were armed with *dang* and had given blows on different parts of body of injured Akashdeep and Shankardeep after they had fallen on the ground. Injury on head of Akashdeep, which was declared to be dangerous to life, is attributed to co-accused Bishamber while injury on forehead of injured Shankardeep is attributed to co-accused Dinesh Kumar. The injuries attributed to the petitioners were declared to be simple. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioners in custody during trial. Therefore, the petition may be allowed and the petitioners may be enlarged on regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that the petitioners alongwith their co-accused attempted to murder Akashdeep Singh and also caused injuries to Akashdeep Singh and Shankardeep. Radha Devi, mother of injured Akashdeep and Shankardeep had filed petition for protection of their life which was disposed of by this Court vide order dated 29.01.2019. Subsequently, contempt petition was filed which is pending. After the occurrence the petitioners again criminally intimidated the complainant and his family members which was recorded in the camera. In view of the gravity of accusation, the petitioners do not deserve the concession of regular bail. Therefore, the

petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioners, role attributed to them of causing simple injuries to Akashdeep Singh and Shankardeep Singh, the fact that injury on the head of Akashdeep Singh which was declared to be dangerous to life is attributed to co-accused Bishamber and injury on the forehead of injured Shankardeep is attributed to Dinesh Kumar and the fact that the trial is likely to take long time, I am of the considered view that the petitioners deserve grant of regular bail.

In view of the above, the petition is allowed and the petitioners are ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, the bail is granted subject to the condition that the petitioners shall not commit similar offence and threaten or intimidate complainant and his family members or any of the other prosecution witnesses and in case of commission of any similar offence by the petitioners or intimidation of the complainant or his family members or any of the other prosecution witnesses, the order for grant of bail in the present case shall be liable to be cancelled on filing of application by the prosecution/complainant in this regard.

28.08.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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