

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

**203-A**

**CRM-M-16443-2020**

**Date of decision: 08.09.2020**

Mohd. Suffaid @ Tillu

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Damanjit Singh Sandhu, Advocate  
for the petitioner.

Mr. Harsimar Singh Sitta, Asstt.A.G. Punjab  
for the respondent-State.

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**ARUN KUMAR TYAGI, J (ORAL)**

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 03 dated 04.01.2019 registered under Sections 341, 324, 323, 506, 148 and 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Moti Nagar, District Ludhiana to which Sections 308, 326 and 201 of the IPC were added later on.

The above said FIR was registered on statement of Akash who alleged that on the night intervening 31.12.2018/01.01.2019 at about 00:30 a.m. when he along with his friend Suraj Kumar @ Sanje was returning on Bullet Motorcycle bearing registration No. PB-91-6434 from Fauji Colony Sherpur Kalan, Ludhiana after celebrating New Year Eve, accused Raju Chah Wala, Rehan, Pappu Sherpuria and

Tillu and 4/5 other unknown persons stopped and attacked them. Raju Chah Wala gave two blows with iron toka on his forehead and back while Tillu gave blows on his head with baseball bat. Accused Pappu gave two blows one on his head and another on his back and Ryan gave blows with Iron toka on his legs. The accused also gave fist blows to Suraj Kumar @ Sanje. Accused Pappu also snatched gold chain and thereafter all the accused fled from the spot with their respective weapons.

The petitioner, who is in custody since 16.05.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel in terms of affidavit of Simranjit Singh, PPS, Assistant Commissioner of Police, Industrial Area-A, Ludhiana.

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

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. There was unreasonable and undue delay of three days in lodging of the FIR. The petitioner is alleged to be armed with baseball bat and to have given blow on the head of the complainant. Injury attributed to the petitioner was found to be simple in nature. Injury attracting Section 308 of the IPC is attributed to the co-accused and is not attributed to the petitioner. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that

the petitioner gave blow with baseball bat on the head of injured-Akash. Injury attracting Section 308 of the IPC is attributed to the petitioner. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to the petitioner, the fact that the injury attributed to the petitioner was declared to be simple and also that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

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

**08.09.2020**

Vishal

**(ARUN KUMAR TYAGI)  
JUDGE**

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