

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

CRM-M-19024-2020
Date of decision: 28.09.2020

Gardari Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 41 dated 29.05.2020, registered under Sections 364, 307, 323, 31, 506, 148 and 149 of the IPC at Police Station Phase-11, Mohali.

Learned counsel for the petitioner submits that petitioner is aged about 50 years and he is in judicial custody for the last about four months. It is further submitted that in the FIR, as many as nineteen persons have been nominated, out of which, three co-accused, namely Ashok, Rahul and Jatinder, have been granted concession of anticipatory bail by the Court of Sessions, vide order dated 11.09.2020.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, registered at the instance of complainant Satish Kumar, it is stated that Cheeku and his uncle Randev used to sell liquor

illegally and the police used to raid their houses, therefore, the accused persons had a suspicion that the complainant's side was leaking the information to police. On the date of incident, Cheeku, Randev, Ravi, Parveen, Ashok along with his three sons, Kuldeep and other five/six persons came at the spot and Hardev started slapping complainant, when the complainant escaped from the place of occurrence, accused persons attacked his brother Manu, Sukhveer and Ram Pal. Cheeku and Ravi, who were armed with swords, gave sword blows on the head of Ram Pal and father of Cheeku gave punch blow on the eye of complainant's brother Sukhveer; petitioner Gardari Lal and Randev also attacked Sukhveer with swords.

Learned counsel for the petitioner further submits that there are no specific allegations against the petitioner in the FIR, wherein a number of persons have been nominated.

Learned counsel further submits that while granting concession of anticipatory bail to aforesaid three co-accused on 11.09.2020, it is noticed that some compromise has been effected between the parties in writing.

Learned State counsel has filed custody certificate and submitted that injuries invoking Section 307 IPC is a fracture on the head Ram Pal, which is attributed to co-accused Ravi and Cheeku.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner is aged about 50 years; he is not involved in any other case; he is in judicial custody for the last about four months and also in view of the fact that aforesaid three co-accused have already been granted

concession of anticipatory bail as noticed above, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

28.09.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No