

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

CRM-M-23219-2020
Date of decision: 19.08.2020

Dalip Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. P. Kaushal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 31 dated 19.03.2019, registered under Sections 307, 324, 323, 379-B(2), 506, 148 and 149 of the IPC at Police Station Daba, District Ludhiana.

The first petition, bearing CRM-M-36368-2019, was dismissed as withdrawn on 05.09.2019.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that the petitioner is in judicial custody for the last about one year and five months and after framing of charge, till date no prosecution witness has been examined.

Learned counsel further submits that the petitioner is ready to compensate the victim by paying an amount of Rs. 50,000/- by way of demand draft, without prejudice to his right of defence.

Learned counsel for the petitioner further submits that the complainant himself is involved in some other cases and since he is in judicial custody, there is no likelihood of recording of his statement in near future.

It is further submitted that as per the allegations in the FIR, registered at the instance of complainant Sonu, it is stated that he is a labourer and he had gone to a shop for purchasing some household articles and in the meantime, 15/20 persons came there. Thereafter, one Ajay Kumar @ Kaku gave a dataar blow on complainant's head; Dalip Baiya (petitioner herein) gave a Khanda blow behind his head and second blow on his face; Gagandeep @ Goshu gave a Khanda blow on his head; Aman Bhainsa gave a blow on left arm and a lady gave a Khand blow on his left leg; Aman Doli and Ravi Khachar gave blow on his neck and other 8/9 unknown persons also gave beatings to complainant.

Learned counsel for the petitioner further submits that in the FIR, no motive is attributed to the accused and the complainant was discharged after some time.

In reply, learned State counsel submits that petitioner is involved in number of similar cases, however, one co-accused Rahul has been granted concession of regular bail by the trial Court. Learned State counsel further submits that due to Covid-19 situation, the trial is not proceeding.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the submissions of learned counsel for the parties as well as the custody period of the petitioner and stage of trial, 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.

However, this will be subject to a condition that petitioner will hand over a demand draft of Rs. 50,000/- to the trial Court/Duty Magistrate at the time of furnishing bail/surety bonds and the same will further be handed over to victim Sonu, without any prejudice to the right of defence of the petitioner.

19.08.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No