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

CRM-M No.37357 of 2020

Date of Decision: 19.11.2020

SUNIL KUMAR @ BABBU AND ANOTHERPetitioners

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. Rana Harjasdeep, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.190 dated 04.07.2020, registered under Sections 307/326/341/379-B/148/149/120-B/188 IPC, Section 3 of the Epidemic Diseases Act, 1897 & Section 51(b) of the Disaster Management Act, 2005 at Police Station Divn. No.7, Jalandhar.

The FIR was registered on the complaint of Om Parkash son of Dev Raj, who alleged that on 03.07.2020, he was walking from Kuki Dhab to Khurla Kingra and his younger brother Sanjeev Kumar along with his two friends Rashpal Singh and Vicky were also walking at a little distance ahead of the

complainant. At about 10:15/10:30 P.M., an auto came from the front side at some distance, from them. 5-6 persons came out and ran towards the brother of the complainant and his friends. Sabi was holding a kirpan and Gaurav Dadra @ Gori was armed with datar. Sunil Kumar @ Babu was armed with iron rod. Vishal Dadra @ Vicky was armed with base ball. Sunil Kumar @ Khamba was armed with wooden stick and Prince Suman was armed with baseball. Sabi raised a lalkara that brother of the complainant be not spared. Thereafter, he gave a sword blow towards head of brother of the complainant and the blow was warded off by brother of the complainant by raising his left arm. The blow ultimately landed on his left wrist resulting in cutting of the wrist of the brother of the complainant and the same got hanged with the arm. The friends of brother of the complainant were also beaten by the assailant party. Sabi pulled out wallet of brother of the complainant. On raising alarm, the assailant ran away from the spot.

Learned counsel for the petitioners submitted that no overt act has been attributed to the petitioner. The injuries have been attributed to the co-accused Sabi. Petitioner was alleged to be the member of unlawful assembly.

Learned counsel further submitted that similarly situated co-accused Prince Suman has been granted

anticipatory bail by this Court vide order dated 08.09.2020 passed in CRM-M No.23330 of 2020.

Factual matrix of the case could not be disputed by learned State counsel on instructions from ASI Sohan Lal. However, learned State counsel submitted that the petitioners being a member of unlawful assembly do not deserve concession of regular bail.

Keeping in view the facts and circumstances of the case, particularly in view of the fact that petitioners are not the author of any injury on the person of the injured, anticipatory bail having been granted to co-accused Prince Suman and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, petition is allowed. Petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

November 19, 2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No