

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2021-09-24 12:59
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CRM-M-19418-2021 (O/M)

Date of decision : 21.9.2021

Dalip Saini alias Dalip Kumar

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. K.S. Nalwa, Advocate
for applicant petitioner (s).

Mr. Sarabjit Singh Cheema, AAG Punjab.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This is petition filed under Section 439 Cr.P.C. for grant of regular bail in FIR No. 96 dated 19.5.2020 registered under Sections 307, 341, 506, 109, 120 B, 34 IPC at Police Station Sahnewal, District Police Commissionerate, Ludhiana.

FIR was lodged on the complaint of one Sheshmani Pandey who stated that on 19.5.2020, his brother Nagmani Pandey went out of house for work. At about 6.10 pm, when he reached near Devraj dairy, 3 youngmen who were on motorcycle came in front of his brother. They caused their motorcycle to collide with the motorcycle of his brother because of which he fell down. They were armed with iron dah, sword and knife. They encircled his brother. With an intention to kill him, they caused injuries on his head, right arm and all over his body. They even amputated his arm. All the three had muffled faces. He suspected that Rakesh Kumar PA of Nirmal Singh and Rupesh Kumar were involved in the incident as his brother had a dispute with Nirmal Singh. He prayed that legal action be taken against aforesaid persons and 4-5 unknown persons who had come there on motorcycles.

On 23.5.2020, supplementary statement of complainant was recorded wherein for the first time, he named the petitioner and stated that before attack on brother of complainant, Rakesh Kumar, Dalip Saini alias Dalip Kumar (petitioner) and Nirmal Singh conducted recce and informed the assailants about whereabouts of brother of complainant. On 28.5.2020, another statement of complainant was recorded wherein he stated that recce had been done only by petitioner.

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Mr. Nalwa, learned counsel for petitioner states that injured Nagmani Pandey was discharged from hospital on 27.5.2020. His statement was recorded on 7.6.2020. In the said statement, he specifically named Rupesh Kumar Giri, Raminder alias Gagandeep and Aman Saini as the persons who were on the motorcycle and had caused injuries to him. He also stated that 2-3 other motorcycles had come there. Dalip Saini (petitioner) was riding one of the motorcycles. No injury or any other role has been attributed to petitioner in said statement. Mr. Nalwa states that an SIT has been constituted to investigate the matter. Before the SIT, the complainant specifically stated that he had not witnessed the incident. At the time of incident, he was present at his house.

Mr. Nalwa states that investigation in case is complete. The challan has been filed. There are 22 witnesses in the case. However, none of them have been examined till date.

Keeping in view the fact that petitioner has not been attributed any injury and the fact that trial of case is likely to take time in view of prevailing situation on account of COVID 2019, no useful purpose would be served by keeping the petitioner behind bars. Hence, petition is allowed. Petitioner Dalip Saini alias Dalip Kumar is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

21.9.2021
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No