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

-.-

CRM-M-24534 of 2021(O&M)
Date of Decision: 26 .11.2021

Ravi @ Banga

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Munish Behl, Advocate for the petitioner.

Mr. T.V.S. Lehal, Addl. AG Punjab.

ALKA SARIN, J.

Taken up through physical mode.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.96 dated 19.05.2020 under Sections 307, 323, 324, 326, 341, 506, 109, 120B, 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') registered at Police Station Sahnewal, District Ludhiana.

The FIR was recorded on the basis of a statement of Shesmani Panday who had stated that he worked in IDBI Bank and on 19.05.2020 his brother namely Nagmani Panday left home for some work at about 6.10P.M. When he (Nagmani Panday) reached 33 Feet Road near Devraj Diary, three youngsters came on a motorcycle from the front side and intentionally hit his brother's motorcycle. The said three persons had iron rods, kirpan, knives and they surrounded the brother of the complainant and with an intention to kill hit him on his head and arm and after hitting with the Dah they

amputated the arm and gave blows to his whole body. All the injuries were alleged to have been made with sharp-edged weapons. It has further been alleged that the motive behind the occurrence was that earlier Nirmal Singh had got attacked the complainant's brother and had threatened to kill the complainant and his brother. A case had been got lodged by the complainant's brother against the PA of Nirmal Singh namely Rakesh Kumar and Rupesh Kumar, Ravi, Ram Dayal etc. It is further alleged in the FIR that the complainant was sure that the murderous attack on his brother was also committed in conspiracy by Nirmal Singh SS, his PA Rakesh Kumar and Rupesh Kumar etc. It was further stated that legal action be taken against Nirmal Singh SS, Rupesh Kumar, Ram Dayal, Ravi, Rohit, Aman Saini, Ramesh, etc. and 4/5 unknown persons.

Learned counsel for the petitioner would contend that the first petition (CRM-M-22949-2020) filed by the petitioner was dismissed by a detailed speaking order on 03.11.2020. It is further contended that the change in circumstances are that since the passing of the said order on 03.11.2020, the trial has not progressed and the case has recently been committed to the Sessions Court for 24.11.2021. It is further the contention of learned counsel that after the dismissal of the first bail petition filed by the petitioner, the main accused, to whom the grievous injury has been attributed, has since been enlarged on bail by this Court in CRM-M-20860-2021 titled as **Rupesh Kumar Giri Vs. State of Punjab** vide order dated 11.06.2021. It has further been contended that other three co-accused have also been enlarged on bail by this Court in CRM-M-19418-2021, CRM-M-23654-2021 and CRM-M-31847-2020, vide orders dated 21.09.2021 and

08.11.2021, respectively. It is further contended that no injury has been attributed to the petitioner.

Learned counsel for the State is not in a position to deny the fact that the other co-accused including the co-accused (Rupesh Kumar Giri), who has been attributed a grievous injury, have since been enlarged on bail. Learned State counsel is further not in a position to deny that none of the orders enlarging the co-accused on bail have been challenged by the prosecution. Learned State counsel has pointed out that there are 22 witnesses in the present case, however, none has been examined till date.

Heard.

In the present case though the first bail petition of the petitioner was dismissed by a speaking order, however, thereafter, four co-accused have been granted bail. The petitioner has been in custody since 30.05.2020 and the trial is not progressing. It is an admitted position that four other accused have since been granted regular bail by this Court in CRM-M-20860-2021, CRM-M-19418-2021, CRM-M-23654-2021 and CRM-M-31847-2020, vide orders dated 11.06.2021, 21.09.2021 and 08.11.2021, respectively. The fact that the co-accused, who has been attributed a grievous injury, has also since been enlarged on bail by this Court is not disputed. The order dated 11.06.2021 granting bail to the main accused by this Court has not been challenged by the prosecution. The petitioner shall, hence, on the ground of parity as also the fact that since the dismissal of the first bail application the trial has not progressed, be entitled to bail.

Keeping in view the above facts and without commenting upon the merits of the case, I deem it to be a fit case for grant of regular bail to the petitioner. The petition is allowed and the petitioner is directed to be released

on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

November 26 , 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO