

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

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CRM-M-34291-2020 (O&M)

Date of decision: 10.02.2021

Sunil Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Surjit Singh Swaich, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

CRM-31265-2020

For the reasons mentioned in the application, the same is
allowed and copy of report dated 19.06.2018 is taken on record as
Annexure P-6.

CRM-M-34291-2020

The petitioner has filed the present (first) petition under
Section 439 of the Code of Criminal Procedure, 1973 (for short, “the
Cr.P.C.”) for grant of regular bail in case FIR No.46 dated 15.06.2018
registered under Sections 323, 341 and 506 read with Section 34 of the
Indian Penal Code, 1860 (for short, “the IPC”) at Police Station Sadar
Rajpura, District Patiala to which Section 302 of the IPC was added
lateron.

The above said FIR was registered on statement of Suresh
Kumar. In his statement Suresh Kumar inter alia alleged that on
13.06.2018 at about 08:35 P.M. he saw that Chinderpal armed with iron

rod, his sons Sunil Kumar (the petitioner) and Sushil armed with dandas and his wife Kashmiro were beating Ramesh in the street. Kashmiro caught Ramesh from his legs while Chinderpal inflicted iron rod blow on his head. Sunil Kumar (the petitioner) and Sushil gave blows with dandas on the person of Ramesh. They rescued Ramesh and took him to the hospital where-from he was referred to Rajindra Hospital, Patiala but was taken to PGI Chandigarh where he died on 14.06.2018.

The petitioner being in custody since 31.07.2018 has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of status report filed by way of affidavit of Gurvinder Singh, PPS, Deputy Superintendent of Police, Circle Rajpura, District Patiala in the Registry of this Court which is taken on record.

Custody certificate has been filed by the learned State Counsel through e-mail print out of which is taken on record.

I have heard arguments addressed by learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case due to being family member of co-accused Chinderpal. The petitioner had nothing to do with the alleged occurrence. As per the post-mortem report there was only one injury on the head of the deceased which is attributed to co-accused Chinderpal. Out of 23 prosecution witnesses only 8 prosecution witnesses have been examined so far. The trial is likely to

take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Co-accusd Sushil has been granted bail by this Court vide order dated 20.08.2020. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed serious offences and in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the only injury caused to the deceased as per the post-mortem report is attributed to co-accused Chinderpal and also the fact co-accused Sushil has already been granted bail by this Court vide order dated 20.08.2020 coupled with the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.02.2021

Vinay

(ARUN KUMAR TYAGI)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No