

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-38226-2020

Date of Decision: 01.03.2021

SOHAN LAL

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Harmandeep Singh Sullar, DAG, Punjab.

SANT PARKASH J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.37 dated 25.08.2016, under Sections 302, 324, 506 and 34 IPC, registered at Police Station City Banga, District Shaheed Bhagat Singh Nagar.

According to the FIR, 24.08.2016, at about 9:30 a.m., Madan Lal and Charanjit Singh @ Bagga had approached the complainant and his brothers at their shop for glasses to consume liquor, which was refused by them and it led to an argument. Thereafter, both of them started hurling brick bats on the complainant party. The father of the complainant got injured and he was taken to the hospital, where Madan

Lal and Charanjit Singh @ Bagga along with their co-accused came there armed with various weapons. The fight took place resulting in death of one Kamaljit Kumar. The petitioner is alleged to have given datar blow on the back of Sucha Singh and on the arm of Kamaljit Kumar (deceased).

Learned counsel for the petitioner has contended that it is a cross-version case and the petitioner has been falsely implicated in the present case. The injury attributed to the petitioner was not fatal and cannot be said to be the cause of death of Kamaljit Kumar. Moreover, the main accused namely, Charanjit Kumar @ Bagga @ Charanjeev Kumar and Madan Lal, have already been granted the concession of regular bail by this Court passed in CRM-M-30653-2018 vide order dated 26.07.2018 (Annexure P-1) and CRM-M-46395-2018 vide order dated 26.10.2018 (Annexure P-2) respectively. The petitioner is in custody for last more than 3 years.

On the other hand, learned State counsel does not dispute the aforesaid facts.

I have heard learned counsel for the parties and with their kind assistance, have gone through the record of case.

As per the prosecution, the petitioner inflicted datar blow on the back of Sucha Singh and on the arm of Kamaljit Kumar, which were not grievous in nature and cannot be said to be the cause of death of Kamaljit Kumar. Moreover, the main accused namely, Charanjit Kumar @ Bagga @ Charanjeev Kumar and Madan Lal have already been granted the concession of regular bail.

Keeping in view the totality of facts & circumstances of the present case and the fact that since the trial of the case will take long time, no useful purpose would be served by keeping the petitioner in custody further, since he is already behind bars for the last more than 03 years; including the fact that main accused have already been granted the concession of regular bail, the present petition is allowed.

The petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

**(SANT PARKASH)
JUDGE**

01.03.2021
sonika

whether speaking/reasoned: Yes/No
whether reportable: Yes/No