

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-41089-2020

Date of Decision: April 20, 2021

Love Kush and others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Bawa, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.146 dated 10.10.2020, under Sections 307, 341, 323, 506, 148 and 149 IPC, 1860, registered at Police Station, Daresi Ludhiana-City, District Ludhiana. Petitioners Love Kush and Hardeep are in custody since their arrest on 12.10.2020, whereas petitioner Rohit is in custody since 13.10.2020.

The above FIR was registered on the basis of the statement of Raju Khaneja, wherein it was alleged that on 09.10.2020 at 1.20 p.m. he and his father Somnath were going to their tea shop. When he crossed Basti chowk and reached Sachdeva Hospital, an Activa, which was being driven by Rohit Kumar at fast speed, crossed his vehicle. Rohit Kumar started using abusive language with him. After thirty minutes, he went to give tea to the customers and his father and brother were present at the shop. When

he was few steps away from the shop, Rohit armed with Daat along with 8-10 unidentified boys armed with baseballs, dater and rods came there on motor bikes and activa and Rohit with the intention to kill his father, gave a datar blow to him. He fell down and Daat hit the counter of tea shop. Then Rohit crossed the counter with others and inflicted injuries on his father and other boys also inflicted injuries with respective weapons. He took his father to the CMC hospital for treatment. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioners has argued that the material prosecution witnesses the complainant and the injured PW-1 and PW-2 respectively have been examined, who have not supported the prosecution case, and therefore, the further detention of the petitioners may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Balwinder Ram does not dispute this fact that the complainant and the injured were declared hostile by the trial court, but still nine prosecution witnesses remain to be examined.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the material witnesses have not supported the prosecution case. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the states of Punjab, Haryana and U.T.Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Thus, their further detention behind the bars may not be necessary for any useful purpose, who are presently confined in judicial custody after their arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioners be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Ludhiana.

April 20, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No