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

CRM-M-42231-2020 (O&M)

Date of decision : 01.09.2021

Sanjay @ Dikki

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of concession of regular bail to the petitioner in FIR No.96 dated 14.04.2020 registered under Sections 302, 323, 148, 149, 120-B of the Indian Penal Code, 1860 at Police Station Division-A, District Police Commissionerate Amritsar.

Learned counsel for the petitioner has submitted that in the present case, the FIR was registered on 14.04.2020 and on the said date, the complainant had not made any specific attribution to the petitioner. It is submitted that it is on 15.04.2020 when a supplementary statement of the complainant was recorded and even as per the same, only one injury with Ghotna (stick like weapon) on the chest of the deceased has been attributed

to the petitioner. It is submitted that the said injury was declared as simple and it was with the blunt weapon. It is further submitted that Sher Singh, who had attributed fist blows on the deceased, had been granted regular bail vide order dated 09.10.2020 (Annexure P-2) by the Sessions Judge, Amritsar. It is also submitted that it is the injury attributed to the co-accused Anuj, on the head of the deceased which has caused his death. In fact, reference has been made to paragraph 5 of the reply filed by way of affidavit of Jaspreet Singh, PPS, Assistant Commissioner of Police, East, Amritsar in which final cause of death has been stated. Relevant portion of para 5 of the same is extracted hereinbelow:-

“The report thereof have been received and final cause of death of the deceased has been declared that, “in this case in our opinion the cause of death is aspiration leading to asphyxia due to head injury and alcohol intake which has been corroborated with report of Chemical Examiner bearing No.3692 dated 15.10.2020.”

It is further submitted that as per the custody certificate, the petitioner has undergone actual sentence of 1 year, 4 months and 3 days as on 21.08.2021 and thus, presently he has undergone actual sentence of 1 year, 4 months and 13 days and that the petitioner is not involved in any other case and since the challan has been filed and the charges have been framed on 09.02.2021, and out of 15 witnesses, no witness has been examined, thus, the conclusion of the trial is likely to take long time.

Although, Mr. Prabhjot Singh Walia, AAG, Punjab, opposes the regular bail application of the petitioner, however, could not controvert the factual assertions as made by the learned counsel for the petitioner.

Without commenting upon the merits of the case and keeping in view the abovesaid facts and circumstances, moreso the facts that in the initial statement made on 14.04.2020, no specific attribution was made to the petitioner and even on 15.04.2020 in the supplementary statement, simple injury with a blunt weapon has been attributed, which was not fatal blow and also the fact that co-accused namely Sher Singh who is alleged to have given the fist blows to the deceased, has been granted regular bail and the fact that the petitioner has been in custody for a period of 1 year, 4 months and 13 days and is not involved in any other case and none of the 15 witnesses have been examined and conclusion of the trial is likely to take long time, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Hence, the present petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

01.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No