

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7024-2022

DATE OF DECISION: FEBRUARY 23, 2022

SAGAR KALYAN & OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. NAVEEN SHARMA, ADVOCATE FOR THE PETITIONERS.
MR. RAMDEEP PARTAP 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.97 dated 24.5.2021, under Section 365/379-B/323/506/34 IPC, Police Station City Jagraon, District Ludhiana Rural, who are in custody since their arrest on 28.5.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Ludhiana in the order dated 9.2.2022, are as under:-

“The perusal of the file has revealed that the FIR of this case has been registered on the statement of Sachin son of Ravi wherein he has stated that he is doing the labour job in a Waia cloth house in Anarkali Bazar, Jagraon from the last one year and today at about 12:50PM Sagar Kalyan came to the shop and he forcibly pushed him out of the shop. Inderjit Singh son of Gurcharan Singh armed with sword was standing out side the shop attacked him and gave sword blow on his left ankle, as a result, he fell down . Sunny son of Buta Singh who has come alongwith Inderjit Singh was on a motorcycle make Hero Splendor bearing registration no PB-25-H0605 and

gave a punch blow on the back side of his neck and above said Sagar Kalyan gave kara blow on his forehead. Then they forcibly took him on their motorcycle on a canal bridge of village Kothe Rahlon and there also he was beaten by them. Inderjit Singh gave kirpan blow on his left hand and he received injuries on his fingers . They also torn his clothes and snatched the silver chain, silver ring and his mobile phone make OPPO A37. They abused him, threatened him and again took him on their motor cycle to new grain market and threw him in shop no.92 and fled away on the motorcycle alongwith their respective weapons.”

Learned counsel for the petitioners has drawn the attention of this Court to the deposition of the complainant PW1 Sachin to contend that the said witness has not supported the prosecution case and according to him, he did not identify the petitioners as accused of the alleged crime. He submits that the petitioners are not involved in any other case, much less, of similar nature, therefore, their further detention may not be necessary. He prays for bail.

On the other hand, learned State counsel has produced the respective custody certificates of the petitioners dated 23.2.2022, filed by way of Satnam Singh, PPS, Additional Superintendent, Central Jail, Ludhiana and does not dispute this fact that the material witness has already been examined.

Considering the above background, the length of custody of the petitioners and the fact that material witness has been examined, this Court is of the opinion that further detention of the petitioners may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite respective bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 23, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No