

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

**CRM M-15379-2020
Date of Decision: 21.07.2022**

Sunil Kumar @ Baba

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Second petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.257 dated 22.12.2018, under Sections 307, 323, 324, 148 read with Section 149 of the Indian Penal Code, 1860 registered at Police Station City South, District Moga.

2. The above mentioned FIR was registered on the statement of Gagandeep Singh aged 27 years son of Raj Kumar, Caste Ravidass Sikh, resident of Indira Colony, Street No.3, H.No.436, near Nangal Karyana Store, Moga, with the allegations that on 19.12.2018 they were to pay obeisance at Indergarh Jhirri Sahib along with Ranjit Kaur wife of Hardev Singh and his family members So, at about 10.00 p.m., he along with Deepak Kumar and Kaka Singh son of Prem Singh, resident of Harijan Colony started journey on Alto Grey Colour car bearing registration No.PB-09-2760 and when they were little behind the house of said Hardev Singh, resident of Parwana Nagar, Moga, one Swift Car No.PB-29-5332 (white colour) came and out of which 6-7 young boys armed with weapons came out and started beating him. Deepak Kumar son

of Madan Lal, Caste Ravidassia, R/o Moga, Sunil Kumar @ Baba son of Manjit Singh, R/o Gali No.6, Indira Colony, Moga and Ravinder Singh son of Vijay Singh, R/o Guru Ram Dass Nagar, Moga, Vishu s/o Rajesh Kumar, Caste Balmik, resident of Rajiv Nagar, Moga, Landi resident of Angadpura Mohalla, Piddu resident of near Gill Palace, Moga, Jassi resident of Chowk Sheikawala, Moga were armed with deadly weapons. Ravinder Singh caught hold of complainant from his arms. Landi gave Kirpan blow on his head and Sunil @ Baba gave Khanda blow on his head. Second blow was given by Jassi with his Khanda on the head of complainant. They also gave Kirpan blows on his leg. Piddu and Vishu also gave injuries with baseball and went inside the house of Ranjit Kaur wife of Hardev Singh. They dragged him out from the house and gave him beatings. All of them inflicted injuries with their weapons to him as well as Deepak Kumar. On raising alarm, all the accused ran away from the spot with their respective weapons.

3. This Court, on 24.08.2020, while granting interim bail to the petitioner, passed the following order:-

“Learned counsel for the petitioner has stated on instructions that he is ready to reimburse the medical expenses incurred by the complainant on account of injuries sustained in the alleged occurrence. The proposal put forth by the petitioner is acceptable to the complainant.

In view of agreed stand taken by both sides, let an amount of Rs.1,00,000/- be paid to the complainant within a period of one week from today and that shall be subject to final outcome of the criminal case..

On joint request, adjourned to 12.10.2020.

In the meanwhile, petitioner be released on interim bail till next of hearing subject to his furnishing adequate bail/surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate/CJM concerned.”

4. Learned State counsel, on instructions from ASI Gurcharan Singh, submits that petitioner is regularly appearing before the learned trial Court and that out of total 18 prosecution witnesses, but none has been examined.

5. In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted vide order dated 24.08.2020, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

7. The above observations may not be construed as an expression of opinion on the merits of the case.

8. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

21.07.2022
SN

(MAHABIR SINGH SINDHU)
JUDGE

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