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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision:06.09.2022

1. CRM-M-26489-2020 (O&M)

Tony

.. Petitioner

Vs.

State of Punjab

..Respondent

AND

2. CRM-M-3559-2022 (O&M)

Sonu Chaurasia

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunal Choksi, Advocate for the petitioner
in CRM-M-26489-2020.
Mr. Sagar Aggarwal, Advocate for the petitioner
in CRM-M-3559-2022.
Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-29274-2022

Application is allowed, as prayed for.

CRM-29276-2022

Since the main case is listed today, therefore, the application
has become infructuous.

Dismissed as infructuous.

Main case

Petitioners have filed these separate petitions for grant of
regular bail under Section 439 Cr.P.C, pending trial in case FIR No.72 dated
14.07.2013 registered under Sections 364-A, 307, 323, 324, 171, 148, 149,
120-B, 506, 420, 467, 471 and 201 IPC and Section 25 Arms Act, 1959 and
Section 66-A IT Act, 2000 (Section 29 NDPS Act added later on) at Police

arrest on 16.07.2013.

The allegations in the FIR as noticed by the Id. Addl. Sessions Judge, Ludhiana in the order dated 05.07.2014 are as under:

“The perusal of the FIR on record has been lodged at the statement of one Harinder Pal Singh son of Sunder Lal on the allegations that he is owner of New Cone Switch Gear Pvt.Ltd situated in village Malhipur, G.T.Road, Doraha. His sons Tarun Kumar and Manish Kumar are working with him. In the factory they were manufacturing transformers. On 13.07.2013, his son Manish Kumar alongwith his driver Hem Lal in their car DMW bearing no. PB-10DN-6575 at about 6.30 PM started from their factory to Ludhiana. Hem Lal was driving the car and his son was sitting on the front seat alongside the Driver. His son Manish Kumar made a phone call from his number 98721-60001 on his mobile number 9872300041 and he has heard his cries and then the call ended. After that he made two phone calls to his son and phone was made on and he has heard the noise and cries on the phone Bachao-Bachao but he could not talk to his son. Then he and his son Tarun Kumar went to their factory side. When they turned from Malipur Flyover G.T.Road towards, Ludhiana, 20 Karamsahead of the bridge, the car of Manish Kumar bearing No. PB-10DN-6575 was standing. There the keys of the car were lying in the car. Driver side glass of the window was open and he found that papers of the car were not in the car. He came to know from the labourers standing there that there was a white colour car in which some persons in police uniform came there and started beating the persons of car no. PB-10DN-6575 and had taken him away in their white colour car towards Khanna. On the basis of these allegations, FIR has been lodged against unknown persons.”

Learned counsel for the petitioners has argued that the petitioners are in custody for the last nine years and seven years respectively in the above FIR and this Court vide order dated 08.01.2020 had allowed the prosecution to examine three witnesses under Section 311 Cr.P.C., but pursuant to the said order, one witness is yet to be examined. According to learned counsel, this Court on 08.01.2020 itself, upon considering the length of the trial had issued directions to the trial Court to examine the witnesses expeditiously without any delay, but the trial is lingering on for examination of one Nodal Officer, who is not appearing despite issuance of

warrants and in this regard, he has produced the zimni orders passed by the trial Court. Learned counsel has further drawn the attention of the Court to the order dated 03.03.2020 passed in SLP (Crl) 2815/2019, whereby Hon'ble the Supreme Court extended the concession of regular bail to the co-accused Gurarpan Chauhan considering the fact that prosecution has already examined its forty six witnesses. Learned counsel claiming parity have prayed for regular bail.

Learned State counsel assisted by ASI Lakhwinder Singh does not dispute the above background and fairly states that the case of the petitioners is at par with co-accused Gurarpan Chauhan, who has been extended the concession of regular bail by Hon'ble the Supreme Court.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioners and the fact that the co-accused of the petitioners have been released on regular bail, this Court is of the opion that the further detention of petitioners behind the bars 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 subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

06.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No