

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18607-2020 (O&M)
Date of decision : 12.07.2023

Tarun Kumar @ Tarun Batra @ Tarun Dodi ...Petitioner

Vs.

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishu Mahajan, Advocate for the petitioner.
for the petitioner.

Mr. Sandeep Kumar, D.A.G. Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.77 dated 24.11.2017 registered under Section 307, 326, 324 and 34 Indian Penal Code, 1860 at Police Station Division D Division, District Amritsar, who is in custody since his arrest on 27.12.2019.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Amritsar in the order dated 19.06.2020 are as under:-

“Brief facts of the prosecution case are that the instant FIR has been lodged on the statement of complainant Davinder Singh who has alleged that on 27.10.2017, at about 8.00 p.m., he had gone to Guru Bazar for his business and was parking his scooter near Vahia Wala Bazar, Hanuman Mandir side and in the meantime, Sanjiv Kumar alias Minta armed with kirpan, Manav armed with dater and Tarun Batra alias Tarun Dodhi armed with dater alongwith 7/8 unidentified persons came towards him and exhorted to catch him and not spare him and they would give him taste for pretending to be a leader. Tarun Dodhi gave dater blow with the intention to kill him on his forehead. Manav gave him dater blow with the intention to kill him on the right side of his head. Then Sanjiv Kumar @ Minta gave him

kirpan blow on center of his head with the intention to kill him. Thereafter, Tarun Dodhi again gave him dater blow on his right ear. Manav again gave him dater blow on his left ear. Sanjiv Kumar @ Minta again gave kirpan blow on his left wrist. Then all the accused alongwith 7/8 unidentified persons gave many blows on the different parts of his body and the blood started oozing out. He fell down on the ground and raised raula Mar Dita, Mar Dita and on seeing the people gathering, all the accused alongwith their weapons ran away from the spot.

Learned counsel for the petitioner has submitted that as per prosecution case, petitioner alongwith his three co-accused persons namely, Sanjiv Kumar @ Minta, Katra Hari Singh and Manav had allegedly caused injuries upon complainant, Devinder Singh, and according to the medical opinion, the injuries collectively were dangerous to life. He submits that as the mother of the petitioner was not well, he applied for an interim bail and the said concession was extended to the petitioner vide order dated 28.09.2020, and subsequently this Court vide order dated 20.04.2021 had directed the trial Court to record the statement of complainant. He submits that the statement of complainant in examination-in-chief stands recorded, but the cross was deferred as the prosecution moved an application under Section 319 Cr.P.C. seeking summoning of Manav, who was declared innocent in the final report, and the said application is pending. Learned counsel has further stated that though the interim concession was granted to facilitate his mother's treatment, but the treatment was not undertaken for lack of funds. He prays for bail as the trial is likely to take some time.

The above factual sequence is not disputed by the learned State counsel assisted by ASI Balbir Kumar, however, according to him the offence is serious, wherein the petitioner had participated. He has further argued that

co-accused Sanjiv Kumar @ Minta and Katra Hari Singh were armed with sword, whereas Manav and the petitioner were armed with sickle, who caused multiple injuries to the complainant. Further, according to him, the injured had suffered 19 injuries, therefore, petitioner does not deserve the concession of regular bail.

Upon hearing learned counsel for the parties and considering their rival submissions as well as the background of this case, this Court finds that the petitioner was initially released on interim regular bail for six weeks vide order dated 28.09.2020, which was extended from time to time and during this period of approximately two years, the said concession has not been misused by him. Apart from it, deposition of complainant has also been recorded and application moved by prosecution under Section 319 Cr.P.C is also pending adjudication, therefore, it is evident that the trial is not going to conclude in the near future as in all there are 22 prosecution witnesses. Besides, the material witnesses are either injured or official witnesses and at present, there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the order dated 28.09.2020 is made absolute. It is ordered that the petitioner shall continue to remain on bail bonds and surety bonds already furnished by him before concerned trial Court/Duty Magistrate pursuant to the order dated 28.09.2020 passed by this Court.

		(MANOJ BAJAJ)	
		JUDGE	
12.07.2023	Whether speaking/reasoned :	Yes	No
neeraj	Whether Reportable :	Yes	No