

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

CRM-M-30436-2023

Date of Decision:-04.07.2023

Bunty @ Sanjay Kumar.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Yaseen Sethi, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.71 dated 02.04.2022 under Sections 452, 458, 325, 326, 506, 148, 149 IPC and Section 450 IPC registered at Police Station Jamalpur, Ludhiana, Punjab.

2. The present FIR was registered on the basis of the statement of Inderpreet Singh who stated that on 31.03.2022 at around 11.45 pm some unknown persons claiming to be journalists knocked at the gate of his house. When he (complainant) went up to the roof of the house, he saw Surinder Pal Singh armed with an Iron datar along with 4/5 unidentified persons holding swords, iron rods and wooden sticks who were trying to break the gate of his house. In the meantime, his (complainant's) parents Gurvinder Singh and Harshmeet Kaur went near the gate of the house. The accused persons broke open the gate and entered the house. One person

accompanying Surinder Pal raised a *lalkara* that he should be taught a lesson. When he (complainant) came downstairs he saw that the accused were assaulting his parents who were drenched in blood. When he tried to save his parents, Surinder Pal Singh gave a reverse blow of an iron datar on his head which struck his right arm and one of the unknown accused gave an iron rod blow on his left arm. He fell down in a pool of blood. Thereafter the unknown persons gave blows with their sticks. On raising an alarm they fled away from the spot. He along with his family members were taken to private hospital where they were given treatment and were referred to PGI. The motive was that on 25.03.2022, Surinder Pal Singh was drinking with his friends in an open plot near his (complainant's) house and his father had raised an objection leading to an argument. He (complainant) could identify the other accused if they were brought before him.

3. The Counsel for the petitioner contends that the petitioner has not been named in the FIR. On the arrest of Surinder Pal Singh it was revealed that it was the petitioner, Sandeep Kumar and Mohit Kumar (since granted the concession of interim anticipatory bail vide order dated 02.05.2023 passed in CRM-M-21936-2023) who had accompanied Surinder Pal on the date of occurrence. Subsequently, the petitioner, Sandeep Kumar and Mohit were nominated as accused on 11.08.2022 and Section 450 IPC was also added in this case on 4.11.2022. The petitioner came to be arrested on 6.4.2023 and is incarcerated ever since. As none of the 19 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded any time soon and, therefore, the petitioner was entitled to the concession of bail, even though he was involved in FIR No.58 dated 13.03.2023 in which he has been granted the similar concession by the Judge Special Court, Ludhiana vide order dated 18.04.2023.

4. The Counsel for the State on the other hand contends that the petitioner along with his co-accused brutally assaulted the complainant and his family members. The nature of allegations and manner in which occurrence took place did not entitle him to the grant of bail. He however, concedes that the petitioner is in custody since 6.4.2023, none of the 19 prosecution witnesses have been examined so far and in the other case against the petitioner, he has been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of the Trial. At this stage, keeping in view the fact that the petitioner is in custody since 6.4.2023 and none of the 19 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and, therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Bunty @ Sanjay Kumar** son of Sh. Ramesh Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 04, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No