

109 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45333 of 2022(O&M)

Date of Decision: 23.01.2023

Kuntal Sachdeva

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. J.S. Dadwal, Advocate
For the petitioner.

Mr. C.L. Pawar, DAG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 25 dated 05.02.2020, registered under Sections 323, 341, 148, 149, 506(2) IPC at Police Station Dugri, Ludhiana, to which offence under Sections 307, 379-B92), 212, 216, 120-B and 325 IPC were added lateron.

The allegations in nutshell are to the effect that there was some dispute between Sartaj Singh son of the complainant and Jagat Singh and Kashish Bhinder and in order to resolve the same, Sartaj Singh and his parents went to meet the accused persons on 04.02.2020 where the petitioner and co-accused persons were present. Garry Bhardwaj was armed with iron rod, Abhijit Mand was having sword, Ajay was armed with iron *khanda* and Kashish Bhinder was having sword and all of them attacked Sartaj Singh

different weapons with which they were armed. Kashish Bhinder forcibly removed gold chain from the neck of mother of Sartaj Singh while the petitioner forcibly took amount an amount of Rs.13,000/- which the complainant was having with him.

The counsel for the petitioner submits that the petitioner is aged about 21 years and is behind the bars for the last more than 02 years and only allegations against him are that he picked up one brick and gave its blow on the back of Sartaj Singh and further he took away Rs.13,000/- which Sartaj Singh was having with him. The counsel for the petitioner further submits that the trial is not progressing ahead and remaining accused are already enlarged on bail by the Co-ordinate Bench of this Court vide different orders which are placed on record. So, prayer is made that the petitioner be also released on regular bail.

The present petition is opposed by the State counsel, who has advance notice of the petition. On instructions from ASI Partap Singh, learned State counsel submits that there are specific allegations against the petitioner that he snatched Rs.13,000/- from Sartaj Singh at the time of occurrence. However, the State counsel has not disputed the fact that after completion of investigation challan has been presented but the trial is not proceeding further and the petitioner is in custody for the last more than 02 years and that co-accused Abhijit Mand, Kashish Bhinder, Jagat Singh, Ajay and Garry Bhardwaj are already released on regular bail.

I have considered the submissions made by counsel for the parties.

In view of the fact that the petitioner is incarcerated for the last 02 years and his accomplices stand enlarged on bail and further the trial is not moving ahead and it will take considerable time for the trial to conclude, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail during the trial on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate concerned and subject to the petitioner's depositing Rs.13,000/- with the learned trial Court which will be subject to final outcome of the trial.

23.01.2023

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**