

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49638-2022
DECIDED ON: 27.01.2023

YASH PAL CHANDER ALIAS YASH PAL CHANDERH AND ANR.
.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ish Puneet Singh, Advocate for
Mr. Gulzar Mohd., Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in GD No.37, dated 30.07.2021 under Sections 323, 341, 325, later on added Section 326 of the IPC, 1860 registered at Police Station City Nakodar, District Jalandhar (Annexure P-2) in FIR No.123 dated 15.07.2021 under Sections 323, 341, 325, 326, 148, 149 of the IPC, 1860 registered at Police Station City Nakodar, District Jalandhar (Annexure P-1).

Learned counsel for the petitioners contends that it is a case of cross version, wherein a specific role has been attributed to the petitioners. The petitioners gave a gandasi blow from its reverse side on the shoulder of Roop Lal and the said injury was declared grievous in nature by Dr. Mandeep Singh who appeared in the witness box as PW-1. The fatal injury has been attributed to Surinder Pal-petitioner No.2, which resulted into fracture of the skull with gandasi.

Learned State counsel has produced the custody certificates which are taken on record. According to custody certificate, the petitioners are behind the bars for the last 4 months and 5 days. Learned State counsel has candidly accepted the fact that neither the custodial interrogation is required nor any recovery is to be effected from the possession of the petitioners.

Looking into the totality of facts and circumstances that the petitioners are not required for any further custodial interrogation, wherein the charges are yet to be framed; and as many as 20 prosecution witnesses are yet to be examined; and the trial is likely to take some time, therefore, the petitioners are directed to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

27.01.2023
Meenu

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