

CRM-M-49689-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-49689-2022  
Reserved on: 25.01.2023  
Pronounced on: 01.02.2023

Atul Sandal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Sharma (Vasudeva), Advocate  
For the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

Mr. Vikramjeet Singh, Advocate for the complainant.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                       | Sections                                                                                                             |
|---------|------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 72      | 15.05.2021 | Nangal, District<br>Rupnagar, Punjab | 302, 148, 149, 506 IPC (Later<br>on 302, 148, 149 IPC deleted<br>and challan presented u/s<br>304, 323, 506, 34 IPC) |

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner’s contention is that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State opposes the bail.

REASONING:

5. The allegations against the petitioner are of giving a rod blow on the head of Varinder Kumar as a result of which he became unconscious and fell down . As per the post mortem report the cause of death was head injury leading to haemorrhage of brain. A perusal of the bail petition and the documents attached, prima facie points

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towards the petitioner's involvement and does not make out a case for bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.

6. Petitioner's counsel has handed over pen drive containing three videos of CCTV footage. A reference to the one of the orders passed by the trial Court reveals that such videos are part of police challan. I have seen those videos and although it is difficult to infer that anybody was armed with iron rod. However since there were a number of people who were present at the time of scuffle as such the statement of eyewitness that he had seen the petitioner causing hitting the deceased with iron rod, cannot be rejected out rightly at this stage. Needless to say that the petitioner has been arraigned with the aid of Sections 148 & 149 IPC.

7. Given above, the petitioner is not entitled to bail however considering the custody of 01 year & 08 months and also that the prosecution witnesses are unnecessarily delaying the trial, the trial Court to take all possible steps to expedite the trial and try to complete the same on or before 30.04.2023. It is further clarified that the petitioner shall not seek any adjournment and in case, he does so, this order shall stand recalled without any further reference to this Court under Section 362 read with 482 CrPC. Furthermore, in case, the trial is not concluded by 30.04.2023, it shall be permissible for the petitioner to file an application for regular bail before the trial Court itself who shall consider the bail without being influenced by any of the previous orders passed by the trial Court or this Court. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

**Petition is dismissed.** All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)**  
**JUDGE**

01.02.2023  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.