

CRM-M-56080-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56080-2023 (O & M)

Date of Decision: 15.11.2023

Sardari Lal

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bhawesh Chaudhary, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.14 dated 29.01.2021 under Sections 307, 148 and 149 IPC registered at Police Station Bhargo Camp, District Jalandhar.

2. The present FIR came to be registered at the instance of Surjit Lal who stated that he was running a shop at Bhargo Camp, Jalandhar. On 28.01.2021 while he was going towards the market from his house, then in the opposite street, his sister-in-law's son Happy son of Raj Kumar and his friend Jasdeep alias Lalli were standing and talking to each other. Meanwhile he (complainant) met one Kushal and was talking to him. Then, he (complainant) saw some boys running and shouting, all of whom were armed with swords and *datars*. When he (complainant) went further, he saw Mukul with a sword in his hand, Vicky with a sword in his hand, Johny holding a

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bare sword, Sunil alias Seal was holding a *datar*, Ghuddu who was holding a *datar* and Lucky who was riding a motorcycle alongwith unidentified persons. Lucky brought the motorcycle near Happy, stopped it and took out his sword from the motorcycle. As soon as he got close to Happy and Lalli, Vicky and Lucky shouted that Happy was to be killed. Then, Mukul with an intention to kill Happy attacked his head two or three times and the others also attacked him with their respective weapons. On Happy shouting '*maar dita maar dita*', he (complainant) and Kushal also shouted for help and people gathered at the spot. All the accused ran towards him (complainant) and Kushal with their respective weapons with an intention to kill them but they (complainant party) ran away. Happy was taken to the hospital.

3. The learned counsel for the petitioner contends that the petitioner was not named in the FIR and had been falsely implicated. His name figures in the supplementary statement dated 14.12.2021 of injured-Happy, but no injury had been attributed to him. As the petitioner was in custody since 28.03.2023, only 03 out of the 19 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner alongwith his co-accused brutally assaulted Happy thereby causing severe injuries to him. Therefore, the nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, concedes that the petitioner is not named in the

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FIR, is in custody since 28.03.2023, only 03 out of the 19 prosecution witnesses had been examined so far and that he was a first-time offender.

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 adjudicated upon during the course of Trial. Admittedly, the petitioner is in custody since 28.03.2023, only 03 out of the 19 prosecution witnesses have been examined so far and he is a first time offender. Therefore, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sardari Lal 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 on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the present one.

9. In addition, the petitioner (or anybody 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 Trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 15, 2023
sukhpreet

Whether speaking/reasoned:- Yes/No
Whether reportable :- Yes/No