

**242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.59859 of 2023 (O&M)
Date of decision : 05.12.2023**

Sunny Kalia

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******Present :- Ms. Divya Gulati, Advocate
for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

*********PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.0056 dated 24.04.2019 registered under Sections 323/324/506/148/149 IPC and subsequently added Section 307 IPC at Police Station Majitha Road, District Amritsar.

As per the FIR it has been alleged as under :-

“ Statement of Babby wife of S. Lal Singh, resident of H.No.1968, Gali Mandir Wali, near Abadi, Faizpura, Amritsar, aged 40 years. Mobile No.73555-88709. Stated that I am resident of above mentioned address and do labour work. On 23.04.2019 at around 6.00 PM, I alongwith my son Akash and my brother in law's (Jeth) sons Harpreet Singh, Jaspreet Singh and Jorawar Singh sons of Balwinder Singh were standing outside our street. Then in the mean time, Sunny Kalia, Bobby Tibber, Ravi Teetna and Thakur alongwith 4-5 unknown boys resident of Navi Abadi, came. Bobby Tibber was armed with datar. He started abusing Jorawar. Then my son Akash tried to stop them. Then Bobby Tibber gave a datar blow on my son. My son while trying to save himself, turned back and the said blow landed on the head of my son. Then Sunny Kalia took out a kirch

from his dub and hit it on the right side of the head of my son. Then Bobby Tibber gave a blow with the reverse side of the datar on the flank of my son and also gave injury to Jorawar. We raised a raula of maar ditta maar ditta. Then they all ran away from the spot alongwith their while threatening. respective weapons, We arranged for a vehicle and shifted my son to Guru Nanak Dev Hospital, however, because serious injuries doctor of sahib recommended us to make him some other hospital. On this we got admitted our son in Swift Hospital. Where my son is under treatment. Kindly taken necessary steps. Statement have been given, read over, it is correct. Sd/- Babby attested by Raj Kumar, ASI Chowki Faizpura."

2 Learned counsel for the petitioner submits that the petitioner is behind bars for the last more than 3 years and 4 months. Challan already stands presented and charges have been framed but no witness has been examined till date. He further relies upon order dated 31.08.2023 passed in CRM-M-54494-2022 whereby co-accused namely Bobby @ Tibber stands admitted to bail observing as under :-

"5. Though the injury attributed to the petitioner is on the head of victim Akash, which has been declared dangerous to life, but the fact remains that the petitioner has been in custody for the last 01 year, 04 months and 13 days and remaining 15 prosecution witnesses are yet to be examined. In other cases against him, the petitioner is on bail. Therefore, the conclusion of the trial would take a long time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate."

3 Learned State counsel on instructions from Investigating Officer is not in a position to dispute the aforementioned factual assertions

based on record.

4 I have heard learned counsel for the parties and have gone through the records of the case.

5 Without commenting on the merits of the case and on the ground of parity with co-accused and considering the incarceration suffered by the petitioner and the fact that the trial is not likely to be concluded in the near future, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.12.2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No