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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27544-2024

Date of Decision:- 28.11.2024

Mohan Lal

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Narinder S.Lucky, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. The petitioner – Mohan Lal has filed petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.59 dated 17.05.2021, under Sections 307, 323, 324, 506 of IPC (later on Section 34 of IPC was added and Sections 148, 149 of IPC were deleted), registered at Police Station Sadar, Phagwara, District Kapurthala.

2. As per the facts of case, Sohan Lal complainant gave his statement that on 16.05.2021, he was sitting in front of his house in the evening. He was to pay Rs.1,000/- to Mistri Mohan Lal. He had visited his house two days ago and was demanding money and at that time he was not having money. Mohan Lal had threatened while leaving his house. At about 6:00 PM, Mohan Lal along with Kakka @ Akash Kumar, Bhulla Rai armed with *Gandasi*, Bindu @ Bangar armed with *datar*, Bhupesh Kumar armed with *datar* and Kanna armed with baseball bat came in front of his house. Mohan Lal raised a *lalkara* and on this Bindu @ Bangar gave *datar*

blow which hit on the left side of his head, Kakka gave *Gandasa* blow



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which hit on his left leg, Kanna gave baseball bat blow which hit on his left elbow and lower back. Bhupesh gave *datar* blow which hit on his left thigh. On hearing hue and cry, his son Amarpreet reached on the spot. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that petitioner was arrested in this case on 15.01.2024 and since then he is behind the bars. Other co-accused have been granted bail. Even otherwise matter has been compromised. Copy of compromise dated 17.11.2021 is placed on record as Annexure P-3. Petitioner will abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Detailed status report has been filed. It is pointed out that after competition of investigation, challan was presented on 27.05.2024. After framing of chargesheet, case is pending for prosecution evidence. It is further made clear that other co-accused Akash, Vindu and Karan were granted regular bail by learned Additional Sessions Judge, Kapurthala. It is pointed out that occurrence had taken place due to enmity of present petitioner.

5. I have considered the arguments and have gone through the record. Report has been received from concerned Additional Sessions Judge, Kapurthala, where it is mentioned that complainant/injured Sohan Lal, could not be examined as he has already expired. Along with the report his death certificate is also annexed. Amarpreet son of main complainant is examined as PW-1 on 23.09.2024. In the light of this material witness has been examined. Complainant/victim has already expired. No purpose would be served by keeping the petitioner behind the

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bars when other co-accused have been granted regular bail.

Considering the aforesaid factual position, regular bail petition filed by petitioner – Mohan Lal is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

28.11.2024
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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