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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26602-2024
Date of decision : 29.07.2024

SUNIL KUMAR ALIAS BHINDIPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Soloman Partap Singh, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.31 dated 22.03.2023 registered for the offences punishable under Sections 307, 323, 341, 148, 149 of the IPC at Police Station Bhargo Camp, District Police Commissionerate, Jalandhar.

2. As per the contents of the FIR registered on the statement made by Inderjit Singh @ Bunny son of Palminder Singh, it has been alleged as under :

“xxx I am a resident of abovementioned address and I worked in Moti Care Company on 19-03-2023 at about 11 p.m. 11:00PM I was going towards Latit Shop Gali No. 1 Avtar Nagar Jalandhar from my house to bring cold drink. When I reached shop than

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Bhindi s/o Yaspal resident of Chapli Chock Bahrgo Camp Jalandhar along with his 5 unidentified person on silver colour splendor motorcycle and Bajaj CT 100 Motorcycle surrounded me and started beating me took towards the shop of Chandan and where in the street ahead the bricks were lying and Bhindi with intention to kill me pick and hit me on rear side of my head, due to which blood started oozing out from my head and his unidentified accomplice by picking up brick hit me on my head and my back, hand and arm, due to which I get to know from the CCTV shown to me by my mother that when I was lying unconscious and injured than the accused by coming back after sometime, Bhindi and his accomplice hit me on my head with brick with intention to kill me. Then I came to know when I regain conscious that my neighbor Tarun son of Happy after arranging vehicle got me admitted in Civil Hospital, Jalandhar. Where Doctor did CT scan of my head and bandage me, due to multiple injuries in my head I was referred to Oxford Hospital Jalandhar, where me treatment is going on, I will give me MLR lateron. I am handing over CCTV of the spot. That strict legal action be taken against Bhindi and his 5 accomplice. I have made the statement written by you, heard same is correct. Sd/- xxx”

3. Counsel for the petitioner submits that the petitioner is behind bars since 1st of April, 2023. Charges were framed on 15th of November, 2023. In the last more than 8 months none out of 18 cited prosecution witnesses could be examined. Trial is not likely to conclude in the near future as the prosecution witnesses are not coming forward with an intent to delay the trial.
4. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

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5. I have heard counsel for the parties and have gone through records of the case.
6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the prosecution has failed to examine any witness in the last 8 months, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 29, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No