



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-51838-2023 (O&M)
Date of Decision:-28.8.2024

Sonu Mental @ Sandeep ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gaurav Jain, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Bharat Bhushan.

FIR No.	Dated	Police Station	Section/s
120	17.5.2019	Civil Lines Patiala, District Patiala	302, 324, 323, 506, 148, 149 and 120-B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Jatinder Singh @ Ravi, wherein it is alleged that on 15.5.2019, his brother Rajinder Singh had come to his house and after having dinner, Rajinder Singh was strolling in the street in front of their house, where he was also having a stroll. At about 12:30 A.M., Shera, Manish Kumar, Banta, Chhotu @ Chira, Manjit, Changa, Sonu Mental @ Sandeep (present petitioner) and 7-8 unknown persons came there on three-wheelers and who all were carrying weapons in the shape of swords, *lathis*, base-ball bats etc. and who started beating his brother. The petitioner is



alleged to be carrying a base-ball bat and is alleged to have inflicted an injury on the left bicep of Rajinder Singh and another on his chest.

3. Learned counsel for the petitioner submits that it is the case of the prosecution that 11 injuries were found on the person of the deceased out of which 2 injuries were incised wounds. Learned counsel for the petitioner submits that several of the co-accused including Gurdhir Singh @ Gogi, Amit Kumar @ Shera Singh, Bant Ram @ Banta, Manjit Singh and Ajay Kumar have already been granted bail and as such, the petitioner also deserves the same concession on grounds of parity particularly when the trial has not even commenced till date inasmuch as no PW out of the cited 26 PWs has been examined.
4. Opposing the petition, learned State counsel submitted that having regard to the fact that the petitioner is specifically named in the FIR and had inflicted 2 injuries to the deceased including an injury on his chest with a baseball bat, which proved to be fatal, his complicity is clearly evident. Learned State counsel has, however, not disputed the fact that as on date the petitioner has been behind bars since the last more than 3 years and 1 month and not even a single PW out of cited 26 PWs has been examined till date. Learned State counsel has also informed that the petitioner otherwise has a clean record and is not involved in any other case.
5. This Court has considered rival submissions addressed before this Court.
6. The petitioner has been behind bars for a substantial period of more than 3 years and 1 month. The trial has not even commenced till date as not even a single PW out of cited 26 PWs has been examined so far, which necessarily



implies that conclusion of trial is likely to consume time. Several of the co-accused, who were also named in the FIR and attributed injuries have already been granted bail. Under these circumstances, the petitioner would also be entitled to bail on grounds of parity apart from the fact that he otherwise has a clean record. The petitioner cannot be kept behind bars for an indefinite period.

7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.8.2024
Geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No