

2025:PHHC:061511



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-23493 of 2025

Date of Decision: 07.05.2025

Darshan Lal @ Lucky

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S., 2023 with a prayer to grant regular bail to him in case FIR No.14 dated 29.01.2021 registered under Sections 307, 148 and 149 of IPC at Police Station Bhargo Camp, District Jalandhar.

2. Learned counsel for the petitioner contends that earlier the trial had progressed after presentation of challan, but the supplementary challan was presented against the co-accused resulted in *De novo* trial. Thereafter, the prosecution again moved an application under Section 358 of BNSS for summoning of additional accused and the trial has been delayed unnecessarily. On the other

hand, the petitioner is in custody for the last more than 03 years and 07 months. The long custody of the petitioner, without holding a trial against him, is itself a new ground for filing of the bail petition before this Court.

3. The FIR in the present case was registered on the basis of the statement made by Surjit Lal son of Shri Shingar Chand and the same has been reproduced below:-

“Statement of Surjit Lal son of Sh. Shingar Chand resident of House Number 1006 Bhargo Camp Jalandhar aged about 48 years. Stated that I am resident of above mentioned address and am running the shop of ready made garments at Bhargo Camp Jalandhar. On dated 28.01.2021 it was about 08:00 PM that I was going from my home to market when I was little bit back from Chowk Backside Street of Guru Nanak Singh Sabha Gurudwara Bhargo Camp Jalandhar, then in the front street my sister in laws son Happy son of Raj Kumar resident of House No 15 New Sant Nagar Basti Mangu, Jalandhar and his friend Jasdeep alias Lalli son of Ramesh Lal resident of Bhargo Camp Jalandhar were standing and talking with each other. In the mean time at the Chowk Kushal resident of Bhargo Camp Jalandhar met me and I was just asking him about his well being that I saw some boys coming while running and raising alarm from the side of market and all of them were holding naked swords and datar. On coming little bit forward I saw that Mukal son of Chaman Lal resident of Bhargo Camp Jalandhar was holding sword in his hand Vicky son of Sardari Lal resident of Mangu Basti

Jalandhar was holding sword in his hand Jony son of Vijay Kumar resident of Chapli Chowk Bhargo Camp Jalandhar was holding naked sword in his hand Sunil alias Sheel son of Sh. Sheetal Kumar resident of Basti Bawa Khel, Jalandhar presently resident of Tagore Nagar Kot Sadik, Jalandhar was holding datar in his hand Ghudu son of Kartar Chand resident of Mangu Basti Jalandhar was holding datar in his hand and Lucky son of Sardari Lal resident of Mangu Basti Jalandhar was on motorcycle and behind him two more unknown persons were there and Lucky also stopped his motorcycle near Happy and took out his sword from the motorcycle who on reaching near Happy and Lalli, Vicky and Lucky raised lalkara and said that today kill this Happy he should not escape teach him a lesson for having enmity with us in front of my eyes Mukal gave 2-3 continues blows of his sword on the head of with intention to kill with which Happy fell on the ground and while he was lying on the ground rest of the persons have attacked with their respective weapons. On which Happy raised alarm Moor Ditto Maar Ditto and I and Kushal have also raised alarm Bachao Bachao. On hearing the alarm people gathered on the spot then all the above said assailants alongwith their respective weapons have started running towards me and Kushal to attack us we also ran and saved our life from them. The above said persons started going away from there while raising lalkara and while saying that we have killed Happy, whoever will raise his head against us he will meet the same fate and the assailants ran away from the spot along with their respective weapons while raising

noise. I and Kushal and other residents of the locality made arrangement of vehicle and took Happy to Civil Hospital Jalandhar for treatment where the doctors of Civil Hospital Jalandhar have given first aid to Happy but on seeing the serious condition of Happy we got him admitted at Global Hospital Jalandhar where Happy is undergoing treatment. All the above said assailants have attacked Happy with their respective weapons with intention to kill him and have caused serious injuries to Happy against whom strict action be taken SD/ Surjit Lal”.

3. Learned counsel for the petitioner vehemently argues that in the present case, it has been alleged that the petitioner had exhorted on his co-accused to cause injuries and apart from that, only one injury on the person of Happy, injured has been attributed to him. However, all the injured in the present case were discharged from the hospital long ago. Moreover, the parties were already inimical towards each other and one FIR No. 209 dated 31.12.2018 under Sections 323, 324, 326, 307 read with Sections 148 and 149 of IPC, Police Station Division No. 5, Jalandhar was got registered by the father of the present petitioner against the complainant side. Thus, the petitioner, who was not even present at the place of occurrence has been falsely involved in the present case. He further contends that the petitioner was arrested in the present case on 06th September 2021 and is in custody for the last more than 03 years and 07 months. Further, the prosecution has examined PW2 Happy in the present case and the

Additional Public Prosecutor has moved an application under Section 358 of B.N.S.S. for summoning the additional accused in the present case. Thus, the trial may not conclude soon, before the trial Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that in the present case all the injuries suffered by Happy, injured, were declared dangerous to life collectively. Even, from the nature and seat of injuries, it was apparent that a murderous assault was opened by the accused in the present case on the person of Happy. Thus, keeping in view the nature of offence, the present bail application deserves to be dismissed by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, apparently, the petitioner has been shown to be present at the place of occurrence and specific injury has been attributed to him. However, this Court cannot lose sight of the fact that the petitioner is languishing in jail for the last more 03 years and 07 months and the trial has not made any headway. Even, now as per the zimini order (Annexure P-3), the Public Prosecutor has moved an application under Section 358 of B.N.S.S./319 of Cr.P.C. Consequently, there is no likelihood of early conclusion of the trial before the trial Court. Thus, without commenting anything on the

merits of the case, at this stage, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

07.05.2025	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No