

CRM-M-27617-2015 (O&M)

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

CRM-M-27617-2015 (O&M)

Date of Decision: September 24, 2015

Harmanjit Singh alias Harman Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

Present: Mr.B.S.Sra, Advocate
for the petitioner.

Mr.P.S.Ghuman, Addl.A.G.Punjab.

Mr.B.S.Aulakh, Advocate
for the informant.

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Harmanjit Singh alias Harman Singh, son of Davinderpal Singh, resident of village Rupana, Tehsil and District Muktsar Sahib, who has been booked for having committed the offences punishable under Sections 148, 307, 323, 324, 326, 452 and 506 read with Section

149, IPC, IPC, in a case arising out of FIR No.55, dated 25.05.2015, registered at Police Station, Sadar, Sri Muktsar Sahib.

Learned counsel contends that at the time of lodging of the FIR, the name of the petitioner was disclosed amongst assailants but no specific role was assigned to him; after about 1 month and 15 days, a supplementary statement in terms of Section 161, Cr.P.C. of Sukhvir Singh was recorded in which it was alleged that the petitioner was armed with a *kirpan* and caused injury on the face of Sukhvir Singh and one injury to Jasmeet Singh; Petitioner was arrested on 13.06.2015 and after completion of the investigation, charge-sheet (challan) has been filed qua him. He further points out that it is a case of version and cross-version and that the petitioner and two more persons from his (petitioner) side have also received injuries in the same occurrence. He further submits that the petitioner is neither required nor involved in any other case.

Learned counsel for the State, after taking instructions from SI Dharampal, Police Station, Sadar, Sri Muktsar Sahib, and going through the police file, has not controverted the factual aspects raised by the learned counsel for the petitioner. However, he submits that even though the specific part

attributed to the petitioner has emerged during investigation at a later stage but still he is not entitled for bail.

Learned counsel for the informant-complainant has also toed the stand taken by the learned counsel for the State.

After hearing the learned counsel for the parties and going through the material available on record, this Court finds that it is a case of version and cross-version; the role assigned to the petitioner has emerged after a lot of delay; the petitioner is behind the bars since 13.06.2015 and after completion of the investigation, charge-sheet (report under Section 173, Cr.P.C.) has been presented. The present petition is allowed. The petitioner, Harmanjit Singh alias Harman Singh, son of Davinderpal Singh, resident of village Rupana, Tehsil and District Muktsar Sahib, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Sri Muktsar Sahib.

September 24, 2015
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(NARESH KUMAR SANGHI)
JUDGE