

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-41217 of 2014

Date of Decision: January 7, 2015

Harshdeep Singh @ Harry

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-. -

Present:- Mr. Suveer Sheokand, Advocate
for the petitioner.

Mr. J.S. Brar, AAG, Punjab.

Mr. P.S. Dhanoa, Advocate

-. -

M.M.S. BEDI, J. (ORAL)

Petitioner seeks the concession of regular bail in a case registered at the instance of Sanjeev Jindal alleging that a dispute arose pursuant to his labourer Sonu demanding advance money on account of his wedding. He had seen the complainant placing sum of Rs.5 lacs in the safe. The FIR containing three transactions, one when Sonu started quarreling with his co-labourer Subhash when Subhash refused to join him to rob the money from the complainant. The second transaction is of 4.45 p.m. on the

same day of occurrence when he alongwith co-accused Gharial and Jaggi inflicted injuries on the person of the complainant and they escaped when people started gathering. The third transaction is of 6.30 p.m. when Sonu alongwith 20/25 persons alongwith Gharial and Jaggi again armed with iron rods, kirpans and danda came on motorcycle, scooter and Scorpio Vehicle and attacked the complainant causing injuries to him, his son and his brother-in-law Ashok Kumar. Another part of the FIR is that the members of the unlawful assembly have taken away a sum of Rs.5 lacs from the safe of the complainant, besides snatching the gold chain from the neck of the complainant.

Counsel for the complainant has intervened to oppose the petition for bail contending that the complainant had received 24 stitches on his head whereas four other persons were also injured.

Counsel for the petitioner submits that the petitioner is a student of B.Tech. in Ramgarhia Institute of Engineering and Technology. The petitioner was involved in the case on the basis of the supplementary statement recorded after about 1 ½ month after the occurrence on the basis of the CCTV footage.

It is not out of place to observe here that 27 persons have been named during the course of investigation. Sum of Rs.15000/- is alleged to have been spent by the petitioner as per his confessional statement made before the investigating officer.

Without expression of any opinion on merits of the case, it is sufficient to observe here that the petitioner has not been attributed any specific injury and there is no material about his close proximity with the main accused Sonu.

Counsel for the complainant has tried to establish that the petitioner is member of a gang of one Khushpreet Singh who had led the unlawful assembly to cause injuries on the person of the complainant.

Taking into consideration the fact that the challan has already been presented and co-accused of the petitioner, namely, Jaggi having been granted the concession of bail, the petitioner can be granted the concession of bail. It is made clear that the petitioner is being granted the concession of bail in this case solely on the ground that he happens to be a regular student of B.Tech.

Without an intention to treat this order as a precedent for the other co-accused, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court subject to the condition that the petitioner will not indulge in similar activity or browbeat the witnesses or tamper with the evidence. In case of any such complaint, bail will be liable to be cancelled.

January 7 , 2015
sanjay

(M.M.S.BEDI)
JUDGE