

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

Criminal Misc. No.M- 42106 of 2017(O&M)

Date of Decision: January 11 , 2018.

Pargat Singh PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Jai Kamal Singh, Advocate
for the complainant.

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?

LISA GILL, J.

The petitioner, who is aged 23 years, prays for bail pending trial in FIR No.64 dated 13.07.2017 under Sections 307/364/367/354/323/325/148/149 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Bhadson.

It is submitted that the petitioner has been falsely implicated in this case as he is a friend of the co-accused, Shamsheer Singh. The dispute of the complainant is with the other co-accused who were specifically named in the FIR

i.e., Shamsher Singh, Karnail Singh and Bikkar Singh. It is mentioned in the FIR that the abovesaid three accused persons were accompanied by three other unknown persons with muffled faces. Subsequently, in her supplementary statement recorded on 28.07.2017 (Annexure P1), the complainant has named the present petitioner and one Balwinder Singh as the persons accompanying the abovementioned three co-accused.

Learned counsel for the petitioner argues that in the supplementary statement injuries have been attributed to the co-accused Shamsher Singh, Karnail Singh and Bikkar Singh and not to the present petitioner. He is only mentioned to be present alongwith them. It is further submitted that in the earlier FIR registered against the co-accused Shamsher Singh, the present petitioner has not been named. He is unnecessarily been inculpated because of his friendly relations with co-accused Shamsher Singh. The petitioner, it is submitted, is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the State submits that the complainant in the FIR has attributed specific injuries to the petitioner, though she is unable to deny that in the supplementary statement dated 28.07.2017, no injury has been attributed to the present petitioner. It is verified, on instructions from ASI Gursharan Singh, that the petitioner is not reported to be involved in any other criminal case. Challan/report under Section 173 Cr.P.C. has since been presented.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true

facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Pargat Singh is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant/prosecutrix, any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 11 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No