

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

CRM-M-22377-2019 (O&M)

Date of decision : 30.10.2019

Inderjeet Singh @ Indu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karan Garg, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

Petitioner prays for concession of regular bail pending trial in criminal case arising out of FIR No.123 dated 27.06.2017 registered under Sections 308, 325, 323 and 34 of the Indian Penal Code (offence under Section 302 IPC added later on vide G.D. No.12 dated 07.07.2017) at Police Station Nehianwala, District Bathinda.

Case of the prosecution as is apparent from the FIR, reads as under:-

“I am the resident of above said address and a truck driver by profession. About 3 months back, there was a marriage of the daughter of my neighbour Sukha Singh. Sukha Singh and his brother Resham Singh were near to me. Resham Singh asked me to help in the marriage by bringing some articles, so I arranged them a washing machine, LCD and Rs 3,500/- cash from a local shopkeeper for the marriage of daughter of Sukha Singh and at that time Sukha Singh had promised to give the money and the price of the above said article to me very soon. After a period of about 2 months the Shopkeeper demanded his money than I asked Sukha Singh

for the same but Sukha Singh did not make the payment and lingered on the matter on one pretext or the other. After some days I demanded money from Arshdeep Singh alias Deep s/o Resham Singh, who replied that when they will have the money they will pay the same to him. On 21.06.2017, the Shopkeeper again demanded money and than I called Arshdeep Singh on telephone, who replied that they will make the payment today itself and than after sometime Arashdeep asked him to come on the road to receive the money. Than I and Janti Singh of my village came on the road near our houses. At about 5 pm one car i20 of white color without any registration number stopped near us. The said car was driven by Arshdeep Singh and an unknown person was sitting on the front seat to whom I can identify, if he comes in front of us. Arshdeep told me to sit in the car and they will give money to me but I refused to sit in the car and asked for money there and than. Than the unknown person caught me from my arm and tried to put me in the car forcibly. But I got myself released, than Arshdeep drove the car backside and told that he would teach me a lesson and struck his car on my legs and dragged me along with the car to a great distance. Due to that front mirror of the car was also broken. I received injuries on both sides of my chest and legs. I raised noise than Arshdeep Singh and unknown person ran away from there along with the car. My brother Sukhdev Singh brought me to Civil Hospital Goniana Mandi from where I was referred to Adesh Hospital Bhucho from where I am taking treatment. The motive behind the occurrence is that I arranged the articles worth Rs 40,000/- for the accused at the time of marriage of their daughter but even after 3 months they did not return the amount and they used derogatory language as and when I demand money from them. On 21.06.2017 Arshdeep and one unknown person struck there

car in me with the intention to cause injuries to me. Action be taken against them. LTI Gurdev Singh, Attested by HC drshan Singh, 1630 PS Nehianwala. Dated 25.06.2017.”

Petitioner is alleged to be a co-passenger with Arshdeep Singh @ Deep. He is in custody since 10.07.2017. Learned counsel for the petitioner submits that petitioner was named by Buta Singh for the first time on 08.07.2017. He further submits that the petitioner is not involved in any other case and has a clean record. He further submits that petitioner has been falsely implicated.

On the other hand, learned counsel for the State, on instructions from ASI Des Raj, has submitted that the trial of the case has made substantial progress as prosecution has already examined 13 witnesses out of 15 witnesses. However, he submits that Investigating Officer as well as eye-witness has not been examined.

Learned counsel for the petitioner submits that the Investigating Officer is not appearing in the Court for the last several hearings, although, repeatedly summoned.

Keeping in view the facts of the case and custody of the petitioner as also the fact that petitioner is not involved in any other case, he is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

30.10.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No