

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

**CRM-M No. 27544 of 2019
Date of Decision:-11.07.2019**

Harpreet Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Himanshu Puri, Advocate
for the petitioner.

Mr. Hitten Nehra, Additional A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Harpreet Singh @ Happy has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.108 dated 01.9.2018, under Sections 323, 324, 326, 341, 148, 149 and 120-B IPC, registered at Police Station Subhanpur, District Kapurthala.

The FIR was registered at the instance of complainant Simranjit Singh with the version that on 27.8.2018, he on his motorcycle was going to his residence at Village Dhirpur by collecting a bag of fertilizer/urea from Co-op. Society Dialpur. When he reached near Gurudwara Sahib Singh Sabha of Dialpur at about 4.00 PM, he was stopped

and assaulted upon by Vijay Kumar and his associates, who were armed with deadly weapons. It was narrated that at the instigation of accused Harpreet Singh, one of the assailant, namely, Vijay Kumar gave a sickle blow towards the head of the complainant with the intention to kill him and that blow was hit at the right side of his head. Thereafter, Harpreet Singh gave a blow of a small sword (Khanda) at his right shoulder. Balbir Singh @ Beera gave a sword blow towards the head of the complainant but to ward off the blow, he raised his right hand, and it hit at the thumb of his right hand. Baljit Singh gave a sickle blow at the back bone of the complainant. Bhinda gave a blow of sickle at his right ankle. Vijay Kumar gave second blow of sickle at his right shoulder. Thereafter, Baljit Singh also gave a sickle blow at the lower portion of his right leg. Harpreet Singh gave a blow of small sword (khanda) at his right arm. Then accused Bhinda gave again blow of sickle at the knee of right leg of complainant. Thereafter, 3-4 more unknown persons, who were armed with sickle, baseball bat, sticks etc. also assailed upon the complainant with their deadly weapons. On these broad allegations, the FIR was registered against the accused persons.

Learned counsel for the petitioner contends that the offences are triable by Magistrate and the petitioner is in custody since the day of arrest on 23.1.2019. According to him the investigation of the case is complete and the charges have already been framed by the trial Court on 22.5.2019. He further submits that further detention of the petitioner may not be necessary as the trial is likely to take some time.

On the other hand, learned State counsel, who is assisted by HC Lakhwinder, opposes the prayer for bail on the ground that the petitioner is named in the FIR and he alongwith others caused various injuries to the complainant. However, it is not disputed that the final report was submitted on 2.4.2019 and the charges have also been framed by the trial Court.

Considering the above, the custody of the petitioner and the fact that trial is likely to consume some time, this Court does not find any valid reason to further detain the petitioner behind the bars. Resultantly, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 11, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No