

CRM-M-27793-2020

Date of Decision: 26.11.2020

Harpreet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P.S. Sekhon, Advocate, for the petitioner.

Mr. Ramdeep Partap, D.A.G., Punjab.

Mr. Gopal Singh Nahel, Advocate, for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

On 05.10.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', upon FIR no.69, dated 19.05.2020, having been registered at Police Station Chhajli, District Sangrur, alleging therein the commission of offences punishable under Sections 307, 341, 323, 148, 149 of the IPC read with Section 120-B thereof.

There possibly is some confusion with counsel for the complainant (though counsel for the petitioner and learned State counsel are quite clear, the latter as per his instructions), that in fact there were two nephews of Rohi Singh who were involved in the occurrence, with one nephew, i.e. Bablu Singh having

inflicted stick blows on the injured but with the present petitioner, i.e. Harpreet Singh, who is also nephew of Rohi Singh, not having been attributed any injuries at all.

Mr. Nahel however wishes to refute that.

Adjourned to 28.10.2020.

In the meanwhile, in view of the fact that even learned State counsel (on instructions) has stated to the above effect, the petitioner is ordered to be admitted to interim bail, with a gazetted officer directed to file a reply to the petition by the next date of hearing. If counsel for the complainant wishes to file an affidavit giving therein the role of the petitioner and reasons for differing with the stand of the State, he would be at liberty to do so.”

No reply having been filed earlier, hearing in the matter was adjourned on 28.10.2020 till today.

Today, learned State counsel refers to the reply filed by the Deputy Superintendent of Police, Sub Division, Dirba, to submit that the role attributed to the petitioner, as per the supplementary statement recorded by the complainant, is of attacking the complainant with leg and fist blows.

It is also stated in the affidavit that there is no other criminal case registered against the petitioner.

Learned counsel for the petitioner reiterates that the petitioner has been falsely roped in by the supplementary statement and consequently, he being a 19 year old boy with no criminal antecedents, deserves to be admitted to bail.

Learned counsel for the complainant however submits that the petitioner being an active participant in the occurrence, with grievous injuries having been received by the complainant and his father, including a fracture in

the head, the petitioner does not deserve to be admitted to bail.

Having considered the matter, looking at the fact that the petitioner was subsequently named in a supplementary statement and even then the role attributed to him is stated to be leg and fist blows only, which of course learned counsel for the petitioner wholly denies, also seeing that there are no other criminal antecedents of the petitioner as per the reply filed by the State, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 05.10.2020, passed by this court, made absolute.

November 26, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.