

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41581-2020 (O&M)
Date of Decision:-15.12.2020

Gurpreet Singh @ Gopi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Arshdeep Singh Brar, Advocate, for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.266 dated 24.12.2019 at Police Station City South Moga, District Moga under Sections 323, 325, 148 and 149 of Indian Penal Code, wherein offence under Section 307 IPC was added later on.
2. The allegations, in nutshell, are that the petitioner along with 8 other persons had caused injuries to Amandeep Singh (complainant) as well as to Ravinder Singh. Though, initially the FIR was registered for offences under Sections 323, 325, 148 and 149 of IPC but subsequently after more than 9 months, offence under Section 307 IPC was also added.

3. The learned counsel for the petitioner has submitted that the petitioner is not attributed any injury which would attract rigors of Section 307 IPC and is attributed a simple injury only on the foot of the complainant. It has further been submitted that infact the petitioner was arrested on 16.2.2020 i.e. after about 2 months of the alleged occurrence and was released on bail on the same day by the Investigating Officer as all the offences were bailable. It has also been contended that later on a medical opinion has been obtained and an offence under Section 307 IPC had been added on 5.10.2020 and consequently the petitioner came to be arrested on 13.10.2020. It has been submitted that the injury in respect of offence under Section 307 IPC is attributed to Charan Singh which is stated to be caused to Ravinder Singh.
4. Opposing the petition, the learned State counsel has submitted that since petitioner was part of an unlawful assembly which made an murderous assault on Ravinder Singh and also on the complainant and infact the petitioner had also caused an injury with an iron rod to Ravinder Singh, no case for grant of bail is made out. The learned State counsel has, however, not disputed the fact that the petitioner was earlier released on bail on 16.2.2020 i.e. the day on which he was arrested by the police and that it was subsequently upon receipt of medical opinion as regards the nature of injury that offence under Section 307 IPC was added on 5.10.2020 and thereafter the petitioner came to be arrested.
5. Upon a query made by this Court, the learned State counsel could not state any incident as regards misuse of bail by the petitioner i.e. during the period from February to October 2020.

6. Learned counsel for the complainant has also opposed the petition while submitting that infact the accused have been misusing the concession of bail and have been trying to intimidate the complainant and witnesses. It has specifically been pointed out that one Sharanpreet co-accused has sent photographs of the co-accused while in jail and has also sent threatening messages and also made telephone call threatening the complainant. Learned counsel for the complainant has forwarded some of the photographs of the accused allegedly clicked from within the premises of jail and stated to have been sent to the complainant by co-accused Sharanpreet.
7. I have considered aforesaid submissions addressed before this Court.
8. Having regard to the facts and circumstances of the case especially that it is a case where the petitioner is attributed a simple injury on the foot of the complainant and that the injury attracting rigors of Section 307 IPC is attributed to co-accused Charan Singh and also that infact the petitioner had earlier remained on bail for a period of about 8 months from 16.2.2020 to 13.10.2020 and in respect of which there is no complaint regarding misuse of bail, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. As regards the contention of the complainant regarding sending of photographs from the jail premises, the said contentions if correct, are really serious and need to be probed.
10. The DIG (Prisons), Punjab, is directed to look into the matter as regards the photographs which have been sent on WhatsApp group. Mr. Ajay Pal Singh Gill, DAG, Punjab, who has also received the said photographs on the

WhatsApp group, is requested to pass on the said photographs to the authorities concerned to enable them to make an inquiry into the matter as to under what circumstances the said photographs came to be clicked from the jail premises and with whose connivance the phone in question found its way in the jail premises. The phone number which has been furnished by counsel for the complainant i.e. phone No.88720-42955 be also passed on to the authorities concerned by Mr. Ajay Pal Singh Gill, DAG, Punjab. The DIG (Prisons), Punjab, to submit his report before this Court within a period of 3 months from today.

15.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No