

In virtual Court

CRM-M-51005-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51005-2019 (O&M)

Date of decision: 25.08.2020

Bhupinder Singh @ Pinder

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Dhillon, Advocate for
Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Ankit Bishnoi, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-1435-2020

For the reasons stated in the application, same is allowed and MLR No.35362 dated 18.06.2019 and Bank statement of the petitioner are taken on record as Annexures P-4 (colly.) and P-5 (colly.) respectively.

CRM stands disposed of.

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Prayer in this petition is for grant of regular bail in FIR No.100

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dated 19.06.2019 under Sections 307, 323, 325, 341, 506, 148, 149, 427 IPC, registered at Police Station Pau, Ludhiana, District Ludhiana.

Learned counsel for the petitioner submits that co-accused Gagandeep Singh has already been granted the concession of anticipatory bail by this Court vide order dated 18.11.2019 passed in CRM-M-40357-2019 and co-accused Ramandeep Singh, Hardeep Singh @ Deepu and Jatinder Singh @ Sonu Billa have been granted the concession of regular bail vide order dated 30.10.2019, 07.11.2019 and 14.05.2020 passed in CRM-M-45154-2019, CRM-M-38210-2019 and CRM-M-1051-2020 respectively. It is further submitted that as per allegations in the FIR, registered at the instance of Satyawar Chaudhary, he is working in a private company and on the date of incident i.e. 18.06.2019, when he was going in his car, one car intercepted and his car was stopped. From the car, four persons came out. Three persons were having muffled faces and one person Bhupinder Singh @ Pinder i.e. petitioner was carrying a rod. Three other persons were also carrying rods and sticks. They raised a lalkara to teach the complainant a lesson and in that process, the accused persons caused injuries to the complainant, as stated in the FIR.

Learned counsel for the petitioner further submits that there is no specific finding recorded by the doctor that it is a case falling under Section 307 IPC and it is a matter of trial whether Section 307 IPC is made out or not, as it would be falling under Section 306 IPC. It is further submitted that the petitioner is in custody since 04.07.2019 and a period of more than 01 year and 01 month has passed. It is also submitted that without prejudice to his right of

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defence, the petitioner is ready to pay a sum of Rs.3.00 lacs to the victim towards his medical expenses.

Custody certificate dated 25.08.2020 filed in the Court today, is taken on record.

Learned State counsel, assisted by learned counsel for the complainant, has, however, submitted that there are serious allegations against the petitioner, as he was shown in video causing injuries to the victim, as three other persons were having muffled faces, whereas the petitioner was clearly visible. It is further submitted that injuries No.1 to 3 are grievous in nature, which are attributed to the petitioner.

Learned counsel for the complainant has filed the reply on behalf of the complainant in the Court today and has raised similar arguments. The offer of the petitioner is accepted without prejudice to right of the complainant to lead his evidence.

Without commenting anything on merits of the case, considering the fact that the petitioner has volunteered to pay a sum of Rs.3.00 lacs to the victim towards his medical expenses, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

The petitioner will submit a demand draft of Rs.3.00 lacs favouring the victim with the Illaq Magistrate within a period of four weeks from the date of his release, which shall be disbursed to the victim. This will be,

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however, without prejudice to right of defence of the petitioner and right of the complainant to lead the prosecution evidence.

It is made clear that if the demand draft is not made by the petitioner within a period of 30 days from the date of his release, it will be open for the State/complainant to move an application for cancellation of bail.

**[ARVIND SINGH SANGWAN]
JUDGE**

25.08.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No