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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.324 of 2021 (O&M)

Date of decision: 22.07.2021

Sonu Singh

....Petitioner

Versus

State of Punjab

....Respondent

CRM-M No.9172 of 2021 (O&M)

Date of decision: 22.07.2021

Gurdev Singh and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Dinesh Maurya, Advocate
for the petitioner(s).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

CRM-19486-2021 in CRM-M-324-2021

Prayer in this application is for preponing the date fixed in
the main petition.

Heard.

For the reasons stated in the application, the same is
allowed and the main case is taken up today for hearing.

CRM-20063-2021 in CRM-M-9172-2021

Prayer in this application is for preponing the date fixed in
the main petition.

Heard.

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For the reasons stated in the application, the same is allowed and the main case is taken up today for hearing.

CRM-M-324-9172-2021 (O&M)

Prayer in these petitions is for grant of regular bail to the petitioners namely Sonu Singh, Gurdev Singh, Mahinder Singh and Deepa Singh @ Deepak under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.115 dated 03.07.2020, for offence punishable under Sections 308, 323, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Kotwali, Bathinda, District Bathinda.

Counsel for the petitioners has submitted that as per the allegations in the FIR, registered at the instance of the complainant Manpreet Singh, on 15.06.2020, he was returning home, when he reached in the house, his neighbour Gurdeep Singh @ Sonu (petitioner), Mohinder Singh, Gurdev Singh (petitioner), Deepa, Avtar Singh, Rani Kaur, Roshan Kaur, Pooja, Kaka Singh, Kanchan, Darshan Singh, Balvir Singh, Gopal Krishan, Bala Singh were standing. Thereafter, Sonu and Kaka Singh gave a punch blow on his back. Deep Singh and Avtar Singh caught hold of him and threw him down and thereafter, they all started giving kick blows. Mohinder Singh and Gurdev Singh, who were armed with kapas attacked him and he became unconscious.

Counsel for the petitioners has further submitted that the petitioners are in custody since 17.11.2020 and already a period of 08 months has already elapsed. It is further submitted that challan stands presented, however, the charges are yet to be framed. It is also

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submitted that the allegations against the petitioner – Sonu are of causing simple injury and there is a delay of about 18 days in registration of the FIR.

Counsel for the petitioners has also submitted that the allegations against the petitioner – Gurdev Singh are that he caused an injury on the forehead of the victim with a kapa, which resulted into invoking Section 308 IPC.

Counsel for the State on the basis of the Custody Certificates has not disputed the factual position but opposed the prayer for bail. It is submitted that the petitioners were arrested on 22.11.2020 and challan is presented and Gurdev Singh along with Mohinder Singh, are the main accused, who have caused 02 grievous injuries to the victim.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner – Sonu Singh is attributed simple injury; he is in custody for the last 08 months; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, the petition i.e. CRM-M No.324 of 2021, is allowed and the petitioner – Sonu Singh is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, considering the fact that injury attributed to the petitioner – Gurdev Singh is on the forehead of the victim with a kapa blow, I find no ground to grant the concession of regular bail to the petitioners and accordingly, the petition i.e. CRM-M No.9172 of 2021,

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is dismissed.

It will be open for the prosecution to apply for cancellation of bail of the petitioner – Sonu Singh, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

22.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No