

CRM-M-11427-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRM-M-11427-2021 (O&M).
Decided on: July 7, 2021.**

Pritam Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Sukhdev Singh Khokher, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.035 dated 17.05.2019, under Sections 323, 324, 452, 148 and 149 IPC (Sections 307, 326 and 450/34 IPC added later on) registered at Police Station, Begowal, District Kapurthala.

FIR in the present case was lodged at the instance of one Jagir Singh son of Sardar Banta Singh by alleging that they have formed an

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NRI Welfare Group in their village and when they were looking at the development works, a group of people including the petitioner and other accused came and attacked them. The allegation against the petitioner was that he had attacked by giving sickle blow to Amrik Singh which hit him on the left leg upon the knee and the allegation against Joginder Singh who is the son of the petitioner is that he had given sickle blow on the head of Baljinder Singh and various other allegations have been made in the FIR.

Learned counsel for the petitioner has submitted that, in fact, it is a case where the petitioner has been falsely implicated and the background of the case was that vide Annexure P-1 the son of the petitioner and his wife namely Sarbjit Kaur had filed a petition in this Court seeking protection of life and liberty because they had married against the wishes of parents and said petition was disposed of on 23.6.2016 with a direction to the police to look into the representation in accordance with law.

Learned counsel for the petitioner has further submitted that villagers who are the complainants in the present case had a grudge against the family of the petitioner and in fact they were aggressors in the incident. He has submitted that when a fight took place various injuries were received by both sides and as a cross-case, a DDR was also lodged against the complainants in this case. He has submitted that the other named main accused in the present case who is the son of the petitioner had been admitted on regular bail by the Hon'ble Supreme Court on 19.8.2020 vide Annexure P-11. He has submitted that other co-accused are also on anticipatory bail in the present case vide Annexures P-7 to P-10.

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Learned counsel for the petitioner has submitted that the complainants were rather the aggressors and the petitioner is facing incarceration for the last about 8 months as he has been in custody since 19.11.2020. He has further submitted that investigation of the case is already complete and no recovery is to be effected from the petitioner. He has submitted that after the completion of investigation, the challan has already been presented and the charges have already been framed and therefore, no useful purpose would be served in case the petitioner is kept in custody any further. He has submitted that the petitioner was earlier involved in two cases in the year 1995 but he has since been acquitted in those cases.

Learned State counsel has submitted that it is correct that the petitioner is in custody since 19.11.2020 and investigation is complete and the challan stands already presented and that no recovery is to be made from the petitioner. He has submitted that it is also correct that charges have already been framed and that a DDR has also been recorded in the present case as it was a case of cross fight. However, the learned State counsel has opposed the grant of regular bail on the ground that the matter is serious in nature in view of the injuries caused by the petitioner.

I have heard the learned counsel for the parties.

In the present case the petitioner is in custody since 19.11.2020 and the investigation of the case is already complete and as per the learned counsel for the parties no recovery is to be effected from the petitioner. The charges have already been framed. The other main accused

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who is the son of the petitioner has already been granted regular bail by the Hon'ble Supreme Court. The remaining co-accused have also been granted anticipatory bail by Coordinate Benches of this Court vide Annexures P-7 to P-10. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may tamper with any evidence or may influence any witness or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and appropriate to admit the petitioner on bail. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

July 7, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No