

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14139-2021 (O&M)
Date of decision: 06.04.2021

Nishan Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Siwach, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0009 dated 14.01.2021 under Sections 458, 323, 148, 149, 506 IPC (Sections 148 & 149 IPC deleted and Sections 459, 427, 325, 34 IPC have been added later on), registered at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioners relies upon the order dated 22.03.2021 passed in CRM-M-11840-2021, vide which co-accused Gurpreet Singh @ Vadda and Mohandeep Singh have been granted the concession of regular bail. The operative part of the order reads as under: -

“...Counsel for the petitioners has submitted that as per the statement of Gurpreet Singh – complainant, his sister Jaspreet Kaur is married with Satgur Singh and they were having a Lohri

function and some of his relatives were present where he has booked a DJ of Boota Singh. At about 10:00 PM in the night, Nishan Singh, Lakhdeep Singh @ Mirg started quarreling with Boota Singh for playing some songs and on this, the complainant asked the DJ to stop playing the song. Thereafter, Nishan Singh, Lakhdeep Singh @ Mirg and 2/3 unknown persons started abusing them and also started beating him and when Gulab Singh son of his maternal uncle came to his rescue, Nishan Singh went to his home with his friends. Thereafter again, at 12:00 PM, in the night, Nishan Singh, Lakhdeep Singh @ Mirg and 2/3 other unknown persons came with lathi and dandas came to the in-laws of his sister Jaspreet Kaur and started breaking the doors and window panes and again, caused injuries. Nishan Singh gave a soti blow on the left hand and head of the complainant. On which, the complainant fell down and they again caused injuries on his bicep. Nishan Singh also gave a leg blow on the right eye of the complainant and Lakhdeep Singh @ Mirg has made a video of beatings. On raising voice, they were saved and were taken to hospital.

Counsel for the petitioners, at the very outset, has argued that the petitioners are attributed simple injuries whereas the grievous injury is attributed to co-accused Nishan Singh, however, the petitioners are ready to compensate the victim/complainant by paying Rs.25,000/- each towards the medical expenses incurred by him.

Counsel for the petitioners has further submitted that the petitioners are in custody for the last more than 02 months and they are no more required for further investigation.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. Counsel for the State has also submitted that multiple injuries were given to the victim/complainant including grievous injury, which is attributed to Nishan Singh.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody for the last more than 02 months; the petitioners are not involved in any other case; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate...”

Learned counsel for the petitioners further submits that the petitioners are in custody since 18.01.2021 and they are not required for further custodial interrogation.

Learned State counsel has not disputed the factual position.

Without commenting anything on merits of the case, considering the aforesaid submissions and the fact that aforesaid co-accused of the petitioner has already been released on regular bail, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing

their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

This will, however, be subject to the condition that the petitioners will hand over the demand draft of Rs.25,000/- each favouring victim Gurpreet Singh, at the time of furnishing bail/surety bonds.

It will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

[ARVIND SINGH SANGWAN]
JUDGE

06.04.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No