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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18755-2021 (O&M)
Date of decision-01.10.2021

Palwinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Sabharwal, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Dilraj Singh, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.236 dated 14.11.2017 registered under Sections 307, 452, 506 and 120-B of IPC and Sections 325 and 201 IPC (added subsequently) at Police Station Phase I, Mohali, who is in custody since his arrest on 10.03.2021.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, SAS Nagar, Mohali in the order dated 17.3.2021 are as under:

“FIR in this case was got registered on the basis of the statement of complainant Bhavneet Singh to the effect that he is doing the work in Private Tatoo Artist, SCF No.12 First

Floor Phase 5 Mohali and on 13.11.2017 at about 7.15 p.m, he along with his wife Jaspreet Kaur was present in his shop SCF No.12 Phase 5 Mohali and in the mean time, five persons having naked swords in their hands and muffled faces entered in his shop and attacked upon him and due to which, his left eye was injured with sword and in order to save himself from the blows of swords, he put forward his hands, due to which, injuries were also received on his hands and he ran in order to save himself. When the aforesaid persons were attacking upon him, then one person out of them, was saying that Sunny beta, they have not done good with them and they should not be spared and a lesson is to be taught to them and the person by the name of Sunny was also saying loudly that they have not done good with his father and he would not leave them. Out of those persons, two persons in order to kill him, firstly lifted him and then thrown him on the ground and due to which, his right leg got fractured. Due to the raising of raula by his wife Jaspreet Kaur, many persons gathered there and the aforesaid persons fled away from the spot in their white coloured Swift Car, but they could not note down the number of the said Car, but perhaps the people gathered at the spot might have noted down the number of the said Car. The aforesaid persons have attacked upon him in order to kill him, because Palwinder Singh accused/applicant had got registered a false case against him and his father under Section 304, 323, 34 IPC at P.S Balongi and during the

investigation of said case, offence under Section 304 IPC has been deleted.”

Learned counsel contends that the petitioner was declared proclaimed offender on 31.08.2019 and was arrested on 10.03.2021 whereas rest of the co-accused have been granted regular bail. He has drawn the attention of the Court to the injuries suffered by complainant-Bhavneet Singh and contended that the same are on the non-vital part of the body. According to him, the petitioner was not present at the spot and was made an accused on the basis of a criminal conspiracy as the motive has been attributed to him. He submits that the parties are already litigating against each other and complainant is an accused in case FIR No.75 dated 2.10.2017 registered under Sections 302, 323 and 34 IPC at Police Station Balongi, District SAS Nagar, Mohali against him and others for alleged murder of petitioner's mother. Apart from it, a civil suit for injunction filed by the petitioner and his brother against the father of the complainant is also pending, wherein injunction has been granted in favour of the plaintiffs. He submits that investigation in the case is complete, therefore, further custody of the petitioner may not be necessary. He prays for bail.

Learned State counsel assisted by ASI Sukhwinder Singh as well as learned counsel for the complainant has opposed the prayer. According to them, the supplementary statement of complainant was recorded wherein he specifically named the petitioner as one of the assailants. According to them, the trial against the other co-accused persons is in progress but the final report against the petitioner has been filed recently and charges are yet to be

framed. Learned counsel for the complainant has pointed out that in case the petitioner is relased on bail, there is every likelihood that he would temper with the prosecution evidence.

After hearing the learned counsel for the parties, considering the above background as well as custody of the petitioner, this Court is of the opinion that the trial in this case is likely to consume considerable time to conclude, thus the further detention of the petitioner behind the bars would not serve any useful purpose, who is presently confined in judicial custody. The co-accused of the petitioner have already been released on bail. Besides, the material witnesses are either the victims, their close relatives or police officials and there does not seem to be any likelihood of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

01.10.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No