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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.18786 of 2021 (O&M)

Date of decision: 06.08.2021

Rachhpal Singh @ Chhinda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.128 dated 03.11.2020, for offence punishable under Sections 307, 326, 324, 323, 379-B, 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Ghall Khurd, District Ferozepur.

Counsel for the petitioner has submitted that the FIR was registered on a complaint given by the injured/victim Mandeep Singh with the allegations that on 01.11.2020, when he was going with his father Balwinder Singh and cousin Nirmal Singh, 02 young persons riding on a motorcycle stopped near him. The accused – Rachhpal Singh @ Chhinda, was riding the motorcycle whereas the co-accused namely Gurbhej Singh @ Bheja was the pillion rider. Gurbhej Singh @ Bheja, was carrying a kirch (knife). The petitioner – Rachhpal Singh @ Chhinda, asked the complainant to give his phone but he refused.

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Upon this, the petitioner caught hold of the complainant and the co-accused Gurbhej Singh @ Bheja, inflicted several injuries with his knife. Thereafter, the victim fell down and the petitioner stole his phone and when the father of the victim and his cousin started raising voice, both the accused persons ran away from the spot. It is further submitted that the petitioner is in custody for the last 08 months and 27 days and he is not involved in any other case.

Counsel for the petitioner has further submitted that the allegations against the petitioner are primarily that he has caught hold of the victim whereas the co-accused Gurbhej Singh @ Bheja has caused as many as 21 injuries, out of which 02 injuries are declared to dangerous to life and there is no attribution of causing injuries to the petitioner.

Counsel for the petitioner has further argued that he has the instructions to say the petitioner is ready to pay a sum of Rs.1.00 lac to the victim namely Mandeep Singh towards the medical expenses, without prejudice to his right of defence.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that the co-accused Gurbhej Singh @ Bheja has caused as many as 21 injuries to the victim in order to snatch his mobile phone, out of which 02 injuries were declared dangerous to life.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 08 months and 27 days; the petitioner is not involved in any other case; the

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custodial interrogation of the petitioner is not required; the petitioner has volunteered to pay the amount of Rs.1.00 lac to the victim towards his medical expenses and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

This will, however, be subject to the condition that the petitioner will hand over a Demand Draft of Rs.1.00 lac to the victim/injured Mandeep Singh, without prejudice to his right of defence, at the time of furnishing bail/surety bonds.

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

(ARVIND SINGH SANGWAN)
JUDGE

06.08.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No