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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20072-2021 (O&M)
Date of Decision: 22.11.2021

Money and others

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.K. Arya, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Ms. Sukhveer Kaur, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

CRM-31053-2021

Application is allowed, subject to all just exceptions. Amended
memo of parties is taken on record.

CRM-M-20072-2021

Petitioners have prayed for grant of regular bail under Section
439 Cr.P.C, pending trial in case FIR No.90 dated 06.07.2015 registered
under Sections 323, 324 and 34 IPC and (Sections 307 and 326 IPC added
later on) at Police Station Sujampur, District Pathankot. The petitioners are
in custody since their arrest on 05.04.2021.

The FIR was registered on the statement of complainant
Gurpreet Singh, who stated that he is a truck driver and on 27.06.2015, he
along with his truck owner Harpal Singh was going to Amarnath Yatra from
Amritsar after loading the truck bearing No.PB04F9536. Along with them,

Major Masih, Buta Singh, and Kashmir on their respective trucks were also going to Amarnath. On 06.07.2015 at about 9:00 a.m., after returning from Srinagar, he and the above-said persons parked their respective vehicles at Sanjha Chula Dhaba near Sujanpur, where they were loading their truck with crusher. Then relative of his colleague driver Major Singh, namely, Gauri along with his real brother Ajay, Honey and Money also came there for loading their truck with crusher. When complainant asked Major Singh and Gauri to pay his Rs.4500/-, then they tackled with each other, thereafter complainant, Buta Singh, Harpal Singh and Ramandeep also came there and tried to convince Gauri not to abuse. In the meantime, Gauri and his brother Ajay, Honey and Money brought datars and kirpans from their respective trucks. Gauri Masih raised lalkara to teach lesson to Major Masih and his son Ramandeep and remaining drivers for demanding money. Gauri Masih gave dasti datar blow upon the complainant's right hand thumb and forehead. Ajay gave two dasti datar blows upon the wrist and left hand fingers of Ramandeep Singh and Honey gave straight kirpan blow upon Harpal Singh, which hit on his thumb of left hand and second blow of kirpan from its reverse side which hit on the left side of his head. Sunny gave three iron rod blows upon right knee, left arm and left thigh of Buta Singh. Then they raised hue and cry and the accused ran away on their truck with their respective weapons.

Learned counsel for the petitioners has argued that the investigation of the case is complete, therefore, the further custody of the petitioners may not be necessary.

He has further invited the attention of the Court to the wedding invitation card of brother of petitioner No.1-Money, namely, Pawan, which

is scheduled to take place on 28.11.2021. He submits that the petitioner No.1 be released on regular bail, as the trial is likely to consume considerable time to conclude.

The prayer is opposed by learned State counsel assisted by ASI Sham Lal, who has submitted that the offence was committed in the year 2015 and all the three petitioners were also declared proclaimed offender in the year 2015, who were arrested on 05.04.2021. He submits that they all were armed with sharp edged weapons and had caused injuries to four persons and injury suffered by complainant Gurpreet Singh was dangerous to life.

After hearing the learned counsel for the parties and considering the above background, this Court does not find it to be a fit case for grant of regular bail to the petitioners at this stage only on the ground that the investigation is complete, as the material witnesses are yet to be examined and the petitioners have delayed the trial for a long period of six years.

The petition is dismissed.

Further, it is ordered that the Superintendent Central Jail, Hoshiarpur subject to verification of the wedding of the brother of petitioner No.1-Money, would allow him to attend the wedding ceremony in custody. The expenses for travel, etc. shall be borne by petitioner No.1.

22.11.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No