

207

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

Date of decision: 04.03.2021

1. CRM-M No.23556 of 2020 (O&M)

Parvinder Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

2. CRM-M No.24774 of 2020 (O&M)

Pargat Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhupinder Ghai, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Mohit Kakkar, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Parvinder Singh, Gurjit Singh, Pargat Singh and Jaspreet Singh, under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.242 dated 31.10.2019, for offence punishable under Sections 323, 341, 308, 302, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sadar Kharar, District S.A.S. Nagar, Mohali.

Counsel for the petitioners has submitted that as per the

allegations in the FIR, registered at the instance of Sandeep Singh, he along with his cousin Davinder Singh and brother Jashandeep Singh and Lallu had gone to village Batta and when they were coming back, they noticed that 10-12 young men were standing on their motorcycles and they encircled them. Thereafter, they started slapping the complainant, upon which the motorcycle of the complainant struck with the motorcycle of one of the accused. Thereafter, he along with Sagar fled away from the spot. The accused persons gave beatings to Davinder Singh, Jashandeep Singh and Lallu thereafter with the help of kirpan and danda. The details of the injuries caused by all the accused persons is also given in the FIR.

Counsel for the petitioners has further submitted that the petitioner Parvinder Singh is in custody for the last 01 year, 03 months and 15 days whereas the other petitioner – Pargat Singh and Jaspreet Singh, are also in custody since 13.11.2019. It is further submitted that the complainant and 03 other eye-witnesses have been examined by the trial Court on 19.02.2021 and they were declared hostile by the Public Prosecutor and they did not support the prosecution version as the compromise has been effected between the parties.

Counsel for the State, assisted by counsel for the complainant and on the basis of the Custody Certificate has not disputed the factual position that some compromise has been effected between the parties and due to this reason, the PWs including the complainant have not supported the prosecution version.

Without commenting anything on merits of the case, considering the fact that the petitioner Parvinder Singh is in custody for

the last 01 year, 03 months and 15 days whereas the other petitioner – Pargat Singh and Jaspreet Singh, are also in custody since 13.11.2019; the PWs including the complainant have been declared hostile as some compromise has been effected between the parties; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time due to COVID-19 situation, these petitions are allowed and the petitioners namely Parvinder Singh, Gurjit Singh, Pargat Singh and Jaspreet Singh are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, 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

04.03.2021

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No