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

CRM-M No. 30611 of 2021
Date of Decision: 13.09.2021

Manpreet Singh

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shubham Goyal, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.78 dated 30.07.2019 registered under Sections 452, 324, 323, 341, 506, 148, 149 IPC (Offence under Section 326 IPC added later on) at Police Station Zira, District Ferozepur.

FIR was registered at the instance of Gursewak Singh with the allegations that on 29.07.2019, at about 8.30 PM, his sons namely Jagdeep Singh @ Gagan and Sandeep Singh @ Goldy have gone to the dairy for bringing Burada for cattle.

When they were returning with Burada, then the accused Manpreet Singh (petitioner), Surjit Singh @ Raju, Iqbal Singh and Rashpal Singh @ Pala stopped them at the turning point towards his house and started speaking badly. Nachattar Singh who was coming from backside stopped them from abusing. Nachattar Singh brought the sons of the complainant to their house. Thereafter, the petitioner armed with kirpan, Surjit Singh @ Raju armed with dang, Iqbal Singh armed with takua and Rashpal Singh @ Pala armed with dang and three unknown persons came to the house of the complainant. Iqbal Singh raised lalkara. Petitioner gave kirpan blow to the complainant which was warded off by the complainant by his left hand and the kirpan struck on the little finger of his left hand and the same was chopped off. Surjit Singh @ Raju gave dang blow at the back of the complainant and the complainant fell down. Rashpal Singh @ Pala gave dang blow in the abdomen of the complainant. Nachattar Singh tried to save the complainant. The assailants also gave beatings to Nachattar Singh. Charanjit Kaur wife of Surjit Singh @ Raju went to the roof of her house and started throwing bricks towards the house of the complainant. With these allegations, FIR came to be registered.

Learned counsel for the petitioner submits that registration of present case is the counter blast to FIR No.32

dated 03.04.2019 got registered by the petitioner in Police Station City Zira against the complainant Gursewak Singh and others. Statement of the petitioner was recorded by ASI Naresh Kumar on 19.12.2018 at Guru Gobind Singh Medical College, Faridkot where the petitioner was admitted on account of injuries, but no action was taken thereafter in terms of offence under SC/ST Act. Only offences under Sections 323, 325, 34 IPC were alleged against the complainant party and they were booked accordingly without mentioning the offence under SC/ST Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.05.2021 and now, challan has been presented on 26.08.2021. Offence is triable by Magistrate and the trial of the case may take some time in its culmination.

Learned State counsel on instructions from ASI Jagtar Singh opposed the bail and submits that after filing of challan, charges are yet to be framed.

Keeping in view the allegations on record, stage of the trial and the trial being Magisterial trial, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

September 13, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No