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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 12.08.2021

1. CRM-M No.31152 of 2021 (O&M)

Chand

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.31355 of 2021 (O&M)

Narinder Singh @ Sodhi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioner(s).

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Rahul Bhargava, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Chand and Narinder Singh @ Sodhi, under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.90 dated 03.05.2021, for offence punishable under Sections 307, 323, 506, 148, 149, of the Indian Penal Code, 1860 (in short 'IPC') and 25/27/54/59 of the Arms Act, registered at Police Station A Division, District Amritsar.

Counsel for the petitioners has submitted that the FIR was

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registered on the statement of Kamaldeep Singh with the allegation that he along with his son namely Simranjit Singh are in the business of booking the tickets of deluxe buses. It is stated that on the date of incident, his son Simranjit Singh was standing outside his house, when the petitioner Chand son of Pappu along with Balram asked him that he want to install a counter in the city center and demanded Rs.5,000/- per month. This was informed by the son of the complainant and then, the complainant and his son had gone to the City Center and when Chand along with one person, who belongs to Haryana came on a motorcycle and installed a counter in their place and when the complainant and his son tried to stop him, then one boy gave a slap to his son and on this, the argument started and after intervention of the people, the matter was resolved. Thereafter, Chand and Saurav went away and after 10-15 minutes, they again came with 6-7 accomplices and caused injuries to the complainant.

Counsel for the petitioners has further submitted that the injury attributed to the petitioner(s) is a datar blow, which is found to be a simple injury and though, one of the accused was carrying a pistol, however, there is no allegation of use of fire-arm. It is also submitted that the petitioner – Chand is in custody for the last 03 months and 04 days whereas the petitioner – Narinder Singh @ Sodhi, is in custody for the last 02 months and 09 months and they are not involved in any other case.

Counsel for the State assisted by counsel for the complainant and on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is

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further submitted that challan stands presented before the trial Court and it is not disputed that the injuries sustained by the complainant are simple in nature.

Without commenting anything on merits of the case, considering the fact that the petitioners are not involved in any other case; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioners namely Chand and Narinder Singh @ Sodhi, 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.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

12.08.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No