

203-B

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32347-2020 (O&M)
Date of Decision: 09.12.2021

Dilpreet Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Prabhdeep Singh Toor, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.102 dated 29.05.2020 registered under Sections 323, 324, 341, 506, 427, 148 and 149 IPC (Sections 307 and 302 IPC added later on) at Police Station Khamano, District Fatehgarh Sahib.

The FIR was registered on the statement of Baldeep Sharma and the allegations as noticed by the Id. Addl. Sessions Judge, Fatehgarh Sahib in the order dated 14.09.2020 are as under:

“The present FIR was registered on the basis of statement of Baldeep Sharma who has stated that on 28.05.2020 he alongwith Gagandeep Kumar had gone to Morinda in Swift car bearing no.PB-12W-1717 to bring Harjit Singh and when they reached near Grain Market after taking Harjit Singh after 03.30 p.m. a motorcycle came from behind on which present applicant Harshpreet Singh and Simma were riding and started abusing them. Then they went to Khamanon market where he has received call of Simma that he wants to meet him but he refused. Then they were going to Chamkaur Sahib and when they reached near Badesha Kalan at about 04:00 p.m Arshpreet Singh Bhangu and Simma alongwith 8-10 persons encircled their car and attacked them. When they were

trying to save themselves, Arshpreet Bhangu gave brick blow on his right eye and then Simma gave a kirpan blow on the left side of head of Harjit Singh and he fell down. Blood oozed out from his wound when he alongwith Gagandeep Kumar tried to rescue Harjit Singh they were also given beatings. On hearing their cries, people started gathering there and accused fled from the spot with their respective weapons and threatened them while fleeing. Hence the present FIR.”

Learned counsel for the petitioner has argued that the petitioner was falsely implicated in the above FIR as a member of unlawful assembly and allegations against him are of using abusive language only. He submits that victim Harjit Singh succumbed to the solitary injury caused by co-accused Simrandeep Singh @ Seema and the investigation of the case is also complete. He submits that the petitioner being a student was to take examination in November, 2020, therefore, was released on interim bail vide order dated 27.10.2020 and the said concession was never misused by him. He prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Sukhwinder Singh as well as learned counsel for the complainant, who have argued that the petitioner was present at the spot and actually participated in the occurrence, however, it is not disputed that as per prosecution, victim Harjit Singh died of an injury given by co-accused of the petitioner. Learned State counsel, on instructions ASI Sukhwinder Singh further states that the final report was filed on 17.09.2020 against him and charges have also been framed on 18.11.2021, but no witness has been examined so far.

Considering the above background and the fact that the petitioner has not misused the concession of interim regular bail, the prayer made in this petition on his behalf is accepted, as the trial is likely to take considerable time to conclude. The material witnesses are either the close

possibility of their being won over at this stage.

Resultantly, the order dated 27.10.2020 granting interim regular bail to the petitioner is made absolute and it is ordered that he shall remain on bail bonds and surety bonds already furnished by him before the trial Court.

Petition is allowed.

09.12.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No