

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

**CRM-M-45253-2021
Date of decision: 12.11.2021**

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. D. S. Sukhija, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 95 dated 30.03.2021, registered under Sections 452, 323, 324, 506, 148, 149 of the IPC (Sections 307, 325 of the IPC added later on) at Police Station Dera Bassi, S.A.S. Nagar, Mohali.

Learned counsel for the petitioner, at the very outset, relies upon order dated 05.07.2021 passed in CRM-M-23176-2021, vide which co-accused Sukhvir Singh and four other co-accused have already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“Counsel for the petitioners has argued that as per the allegations in the FIR, registered at the instance of one Manpreet Singh, he along with his father Ajmer Singh, brother Harpreet Singh and his brother-in-law Rahul were present in their fields when all the accused persons 20 in numbers including the petitioners, came

there armed with gandasi, rod, sword, danda, etc. and caused multiple injuries to the victim/complainant Manpreet Singh, his brother Harpreet Singh and father Ajmer Singh. The injuries have been attributed to all the accused persons collectively.

Counsel for the petitioners, at the very outset, has submitted that without prejudice to the right of the petitioners, they are ready to pay a sum of Rs.20,000/- each (a total sum of Rs.1,00,000/-) to all the 03 victims towards the medical expenses.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that as per the Custody Certificate, all the accused persons are in custody for the last about 02 months and they are not involved in any other case.

Counsel for the complainant, on the other hand, has also opposed the prayer for bail on the ground that all the accused persons caused multiple injuries to the victims and in case, they are granted bail, they may repeat the offence.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody for the last 02 months; the petitioners are not involved in any other case; the custodial interrogation of the petitioners is not required and also in view of the fact that the petitioners are ready to pay a sum of Rs.20,000/- each to the victims and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioners are directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

The petitioners namely Sukhvir Singh, Sarabjit

Singh and Sukhjit Singh @ Johny, will hand over 03 demand draft of Rs.20,000/- each favouring the victim Manpreet Singh whereas the petitioners namely Harjit Singh and Rajinder Singh will hand over 02 demand drafts of Rs.20,000/- favouring the victim Harpreet Singh and Ajmer Singh, at the time of furnishing bail/surety bonds, which will be disbursed to the 03 victims.

The handing over of all the demand drafts shall be a precondition before accepting the bail/surety bonds.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel further submits that though the allegations against the petitioner are that he has caused head injury to victim Ajmer Singh with a *Gandassi*, however, he is ready to pay a sum of Rs. 20,000/- to said victim towards his medical expenses.

Learned counsel further submits that the petitioner is in judicial custody since 15.08.2021 and he is not involved in any other case.

Learned State counsel has filed the custody certificate and has not disputed the factual position and it is submitted that supplementary challan has been presented.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is no more required further investigation; he is not involved in any other case; his co-accused have already been granted the concession of regular bail as noticed above and also in view of the fact that he has volunteered to pay a sum of Rs. 20,000/- to victim Ajmer Singh towards his medical expenses by way of a demand draft, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty

Magistrate/Illaqa Magistrate, concerned.

The handing over of a demand draft of Rs. 20,000/- favouring victim Ajmer Singh shall be a precondition before accepting the bail/surety bonds.

12.11.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No