

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

CRM-M-388-2021 (O&M)
Date of decision: 14.09.2021

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. D.S. Malwai, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Gurpreet Singh, an accused in FIR No.02 dated 05.01.2018, for offences under Sections 307, 452, 341, 323, 506 and 34 IPC, registered with Police Station Longowal, District Sangrur.

Briefly stated the facts of the case as per prosecution story are that, criminal machinery in this case was set into motion by complainant Hakam Singh son of Bant Singh, who in the statement got recorded by him with the police stated that he is an agriculturist by occupation and they are three brothers; his two brothers Randhir Singh and Balbir Singh are elder to him; all the brothers are married, residing with their families separately in their respective houses; house of complainant adjoins the house of his brother Randhir Singh and they

have got joint wall of their houses; all the three brothers are separate in cultivation also; Randhir Singh had been complaining to the complainant that the latter was in possession of more agricultural land than it comes to his share, but, the complainant did not agree with that, offering to get the land demarcated from the revenue authorities and if land in his possession was found to be more, then to surrender the excess land; however, Randhir Singh wanted to cultivate the land of complainant forcibly without getting the demarcation carried out; on 03.01.2018, at about 11.00 AM, when the complainant was present his fields, then Randhir Singh carrying an iron pipe came there and started removing the vegetable crop sown by the complainant in his fields; when complainant asked him to restrain from doing so, then Randhir Singh started abusing him and gave an iron pipe blow, hitting the complainant on thumb of the right hand; the complainant rushed towards his house and started talking with his wife while sitting on the cot in the courtyard of his house after bolting the gate of his house from inside; at about 11.30 AM, two sons of Randhir Singh, namely, Gurpreet Singh @ Bhuru and Manpreet Singh @ Niku came in front of gate of house of the complainant and started abusing him loudly; Randhir Singh started hurling brick bats towards house of the complainant by stating over the manger meant for the fodder of the cattle; both Gurpreet Singh and Manpreet Singh trespassed in house of the complainant by scaling the boundary wall; complainant went to roof of his house to save himself from assailants; he was followed by Gurpreet Singh, Manpreet Singh and Randhir Singh; all three of them wrongly restrained the complainant and on lalkara being raised by

Randhir Singh, Gurpreet Singh and Manpreet Singh caught hold of complainant and started beating him with fist blows; thereafter, all the three assailants caught hold of complainant and threw him down from the roof with an intention to kill him; the complainant fell down and suffered injuries on his backbone and right and left knee; when wife of complainant raised hue and cry and persons from neighbourhood started gathering, then the assailants ran away from the spot; the injured was taken to hospital and got admitted in Civil Hospital Sangrur from where he was referred to GMCH, Sector-32, Chandigarh; on the basis of statement made by Hakam Singh, formal FIR was registered; the investigation in the case started; accused Randhir Singh and Manpreet Singh were arrested in this case on 01.02.2018; accused Gurpreet Singh had approached this Court for grant of pre-arrest bail, in which he was directed to join investigation, which he did on 15.03.2018; on completion of investigation, the challan against the accused was prepared; during the pendency of the trial, Gurpreet Singh was declared proclaimed offender, vide order dated 13.10.2018; he was later on arrested in this case and presently he is in judicial custody.

Petitioner-accused Gurpreet Singh had filed a petition for regular bail before the Court of Sessions at Sangrur but was unsuccessful. As such, he has come to this Court craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

As per custody certificate dated 20.04.2021, petitioner is in

custody for 01 year, 04 months and 12 days, that means till date, his custody is more than 01 year and 08 months. As per report received from the trial Court, statements of eye witnesses have been recorded. Complainant Hakam Singh is said to have expired on 11.10.2019. Statement of Investigating Officer is also said to have been recorded in the trial Court on 08.03.2021. The working in the Courts has been adversely affected on account of outbreak of COVID-19. The petitioner has been in custody for more than 01 year and 08 months. The conclusion of trial may take some time on account of the normal functioning of the Courts having been affected due to COVID-19 pandemic. The guilt of the petitioner shall be determined during the trial. The petitioner is not shown to be involved in any other criminal case. Since the eye witnesses have been examined, the possibility of the petitioner trying to influence the eye witnesses by giving threat or inducement to them gets ruled out. As such, I find it proper and appropriate to grant the benefit of regular bail to the petitioner. Therefore, the petition is accepted. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Sangrur, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

The Court accepting the bonds is to ensure that the surety furnished by the petitioner is local one, having documentary proof of the sufficient immovable property of the value more than the surety amount within jurisdiction of the said Court. An endorsement be made on the title deed of the property that the said person stood as a surety for the petitioner. A copy of that document be retained on the record of the Court. Photographs of the surety, accused and attesting witnesses be also obtained and placed on record.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

14.09.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No