

206            IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM M-3995-2021

Date of Decision: 14.07.2022

Vijay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present:     Mr. Amit Dhawan, Advocate,  
                     for the petitioner.

Mr. Charanpreet Singh, AAG Punjab.

**MAHABIR SINGH SINDHU. J.**

Status report by way of affidavit of Sh. Amrik Singh, Deputy Superintendent of Police, Sub Division Bholath, Kapurthala, filed today in the Court is taken on record. Copy supplied.

2.            Third petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.108 dated 01.09.2018, under Sections 323, 324, 326, 341, 148 & 120-B read with Section 149 of the Indian Penal Code, 1860 registered at Police Station Subhanpur, Kapurthala.

3.            The above mentioned FIR was registered on the statement of one Simranjeet Singh to the effect that on 27.08.2018 he was going on his motor-cycle from his village to Society Dyalpur to purchase a bag of Urea. After taking one bag of urea, when he was going from society to his village then it was about 4.50 p.m., and when he reached near Dyalpur Bridge, adjacent to Gurudwara Sahib Singh Sabha, then petitioner-Vijay Kumar who was carrying

a *datar*, Harpreet Singh @ Bhariki @ Happy son of Mangaljeet Singh, caste Jat, resident of Dhilwan, PS Dhilwan, Kapurthala armed with *Danda*, Balbir Singh @ Beera son of Gurmail Singh, caste Jat Sikh, resident of Mallian armed with sword, Baljeet Singh son of Sarabjeet Singh son of Mahinder Singh, caste Jat Sikh, resident of Mallian, PS Kartarpur, District Jalandhar armed with *datar*, Binda son of Kashmir Singh, caste Jat resident of Mallian, PS Kartarpur, District Jalandhar armed with *datar*, came there on two/three motor cycles. They parked their motorcycles at a distance and came towards the complainant. Accused Vijay parked his motor-cycle in front of his motor cycle and stopped him forcibly. Accused Harpreet Singh raised a *lalkara* that complainant should be taught a lesson for getting a case registered against Vijay. In the meantime, Vijay gave a blow with his *datar* on his head with an intention to kill him, which hit on the right side of his head. Thereafter, accused Harpreet Singh attacked him with his *khanda*, which hit on the right side of his shoulder. Thereafter, Balbir Singh @ Beera gave a blow with his sword towards his head. The complainant in order to save himself, put forward his hand, the sword hit near the thumb of his right hand. Accused Baljeet Singh attacked him with his *datar* and the same hit on his spinal cord. In the meantime, Binda gave a blow with his *datar* on his right ankle. Subsequently, Vijay Kumar gave a second blow with his *datar* to complainant which hit on his right shoulder. Then accused Baljit Singh gave a *datar* blow to his right leg. Thereafter Harpreet Singh gave a blow with his *khanda* to him, which hit on his right bicep. In the meantime, Binda son of Kashmir Singh again gave a blow with his *datar* to him which hit on the knee of his right leg. In the meantime, four/five unidentified persons to whom the complainant can identify came running towards the

complainant from the other side of the bridge with weapons like *datar*, baseball and stick. Out of them, one sikh person gave a blow with his *datar* to him, which hit on the bicep of his left arm. Thereafter, Balbir Singh gave blow with his sword to complainant which hit on the left side of his back. In the meantime, one clean shaven unidentified person attacked the complainant with his baseball which hit on the wrist of his right arm. The unidentified persons attacked him with baseballs. Complainant raised hue and cry which attracted number of people. In order to save himself, complainant ran towards village Dayalpur, the accused chased him on motor-cycles. The complainant went inside the house of his friend. The accused on looking the gathering of people ran away from the spot.

4. This Court, on 25.03.2021, while granting interim bail to the petitioner, passed the following order:-

*“Contends that charges were framed in this case way back on 18.02.2020. The petitioner is in custody since 01.10.2019 and not even a single prosecution witness has been examined.*

*Learned State counsel seeks time to verify the above factual position and apprise this Court about the status of trial.*

*Posted on 24.05.2021.*

*Till the next date of hearing, let petitioner be released on interim bail, on his furnishing bail bond and surety bond subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. ”*

5. Learned counsel, on instructions from petitioner, submits that he is regularly appearing before learned trial Court and not involved in any other

case. Also contended that there would be no apprehension of influencing the witnesses or tampering with the evidence, in case, petitioner is granted bail on regular basis.

6. The above factual position is duly acknowledged by learned State Counsel.

7. In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted vide order dated 25.03.2021, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

9. The above observations may not be construed as an expression of opinion on the merits of the case.

10. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

14.07.2022

SN

(MAHABIR SINGH SINDHU)  
JUDGE

**Whether speaking/reasoned : Yes/No**

**Whether Reportable: Yes/No**