

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3472-2022 (O&M)
Date of decision: 06.04.2022

Sukhjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Bains, Sr. Advocate with
Mr. H.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.230 dated 23.11.2020 under Sections 307, 353, 186, 332, 342, 148, 149, 188 IPC, registered at Police Station Dharamkot, District Moga; earlier one was dismissed on merits vide order dated 16.08.2021.

Learned senior counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of SI Guljinder Pal Singh, he along with other police officials was present in the Police Station Dharamkot, when MHC informed that two vehicles have come outside the police station and

some Nihang Singhs and other persons consisting of male and females are present in front of the main gate and they have locked the same. When he along with other police officials reached at the main gate, he found that petitioner along with some other persons armed with kirpans and barchha along with sticks were present on the main gate and they were raising slogans demanding arrest of accused persons in FIR No.219 dated 03.11.2020 under Sections 302, 307, 148, 149 IPC and Sections 25/27/54/59 of Arms Act, Police Station Dharamkot. When he tried to pacify the protesters that main accused in the aforesaid FIR No.219 stands arrested and raids are being conducted to arrest other accused persons, the petitioner and co-accused Sandeep Singh Sarpanch started instigating other persons and provoked them to teach a lesson to police officials. In that process, the petitioner gave a blow with a sharp-edged weapon on head of the complainant and Sandeep Singh Sarpanch gave a dang blow, which hit on his left hand. Similarly, other accused also caused injuries to remaining police officials.

Learned senior counsel further submits that new ground for filing this second petition is that the petitioner is in custody for the last 01 year, 04 months and 05 days and statement of the doctor has already been recorded, in which injury No.1 was found to be simple in nature, though it was on vital part of the body. It is also submitted that without prejudice to his right of defence, the petitioner will submit a demand draft of Rs.50,000/- favouring victim, with the trial Court.

Learned State counsel has filed the custody certificate dated 05.04.2022 in the Court today and has, however, submitted that in the order dated 16.08.2021, it was noticed that since the petitioner is habitual offender and is involved in 15 FIRs; if he is granted the concession of regular bail, he can repeat the offence. It is further submitted that as per statement of the doctor, injury No.1 is on head of the victim, vital part of the body, though the same is declared simple in nature.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

This will, however, be subject to the condition that while furnishing bail/surety bonds, the petitioner will submit a demand draft of Rs.50,000/- favouring the victim to the Illaq Magistrate, which will be further handed over to the victim.

[ARVIND SINGH SANGWAN]
JUDGE

06.04.2022

vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No