

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-3822-2022

Date of Decision: 24.11.2022

Gurwinder Singh @ Shanti

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashish K. Gupta, Advocate
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

Mr. Aman Kashyap, Advocate,
for the complainant.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.52 dated 31.3.2021 registered for the offences punishable under Sections 307, 323, 506, 148, 149 IPC at Police Station Koom Kalan, District Ludhiana.

Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he was not named in the FIR which was registered on 31.3.2021 on the basis of the statement of injured-Nachhattar Singh; that name of the petitioner surfaced for the first time in the supplementary statement of aforesaid Nachhattar Singh which was recorded on 1.7.2021; that thereafter, the petitioner was arrested on 16.7.2021 and no incriminating article was recovered from the petitioner who is having no criminal history. He further submits that even in the

aforesaid supplementary statement of Nachhattar Singh, no specific injury or weapon has been attributed to the petitioner. He further submits that the petitioner is in custody for the last more than 1 year and 4 months and the trial is not progressing ahead and the complainant is yet to be examined as he is presently lodged in some jail. So, prayer is made that the petitioner be granted regular bail.

Present petition is contested by the State counsel as well as counsel appearing on behalf of the complainant. Both of them have contended that a large number of persons attacked complainant-Nachhattar Singh, Surjit Singh, Tehal Singh and some other persons and as such, it was not possible to identify all the members of the said unlawful assembly and that later on, it was found that the present petitioner was also member of the said unlawful assembly which attacked the complainant party and accordingly, supplementary statement of the complainant was recorded on 1.7.2021 and thereafter, the petitioner was arrested. It has been further contended that the trial is going on and complainant-Nachhattar Singh is yet to be examined and the trial Court has issued his production warrants as at present, he is lodged in jail at Ludhiana. So, prayer is made that the present petition be dismissed.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR and he was named as accused after gap of about 3 months of the incident on the basis of the supplementary statement dated 1.7.2021 of complainant-Nachhattar Singh. The petitioner was arrested and as per custody certificate, he is in custody for the last more than 1 year and 4 months and no weapon or

incriminating article was recovered from his possession. Even as per aforesaid disclosure statement dated 1.7.2021, no specific injuries have been attributed to the petitioner. Admittedly, the trial is going on at a very slow pace and complainant-Nachhattar Singh is yet to be examined. In view of above, no purpose is going to be served by prolonging judicial custody of the petitioner for any longer period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

November 24, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No