

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

**Criminal Misc. No.M-7278 of 2022(O&M)  
Date of Decision: July 07, 2022**

Phuman Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

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Present: - Mr.Vikas Bishnoi, Advocate for  
the petitioner.

Mr.B.S.Sewak, Addl.AG, Punjab.

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**HARINDER SINGH SIDHU, J.**

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.120 dated 26.07.2021 under Sections 341, 379B, 323, 506 and 34 IPC (during investigation Section 325 IPC also added), Police Station Vairoke, District Fazilka.

The case was registered on the statement of one Harphool Singh, who got recorded that he is In-charge of Excise Circle of Liquor Vend on behalf of Vijeta Beverages Private Ltd., Jalalabad. On 22.07.2021 at 7.15 PM, he along with Shivam was going on a motorcycle towards village Mahalam for the purpose of checking illegal smuggling. When they reached at Bus Stand, Chack Balochan (Mahalam), few persons were standing there. Out of them, the complainant identified Goma Singh who

was carrying a *kapa*, Karan Singh carrying handle of spade and Phuman Singh (petitioner) carrying a *gandasi*. Baldev Singh @ Deepu signalled them to stop the motorcycle. Phuman Singh raised a *lalkara* exhorting his co-accused to teach the complainant and his co-rider a lesson for recovering their liquor. Upon this, the complainant parked their bike on the road side. Thereafter, Goma Singh caused a *kapa* blow with its reverse side which hit on the right hand of the complainant and he fell down. While he was lying, Amandeep Singh @ Gaggi snatched Rs.2200/- from front pocket of his shirt. When Shivam raised *lalkara*, people gathered there, intervened and the accused fled away.

Ld. counsel for the petitioner states that the petitioner is behind bars since 28.12.2021. The complainant, namely Harphool Singh while appearing as PW1 before the Trial Court specifically stated that “*Phuman Singh is not that person who caused injury to me and neither he snatched rupees 2200/- from me.*”. Ld. counsel further states that on the similar lines is the statement of another eye witness Shivam Kumar (PW2), who was allegedly accompanying the complainant on the motorcycle at the time of the incident. Both the aforesaid eye-witnesses were declared hostile by the Court.

The State has produced on record the custody certificate, according to which the petitioner has been behind bars for the last 06 Month and 03 days.

In view of the above, particularly the fact that both the eye-witnesses including the complainant, have not identified the petitioner

during deposition in the Trial Court, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

**July 07, 2022**

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**(HARINDER SINGH SIDHU)**  
**JUDGE**

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |