

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-7886-2022****Date of decision : 04.07.2022**

Gagandeep Singh @ SarpanchPetitioner
Vs.
State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Moudgill, Advocate for
Mr. B.S.Toor, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.69 dated 19.05.2020 under Sections 307, 323, 341, 148, 149 and 120-B Indian Penal Code, 1860 registered at Police Station Chajjli, District Sangrur, who is in custody since his arrest on 19.02.2021.

The allegations contained in above FIR, as noticed by the learned Additional Sessions Judge, Sangrur in the order dated 24.01.2022 are as under:-

“As is transpired from the record, the FIR in the present case was registered on the basis of statement of complainant Beant Singh who stated that he is an agriculturist. On 18.05.2020 at about 10:15 PM, his brother Varinder Singh @ Satgur Singh along with his wife Sukhdeep Kaur, was returning home on his two wheeler after paying a visit to his sister-in-law. As they reached near bus stand Ratola, Gagandeep Singh Sarpanch (present applicant), Surjit Singh, Lakhi Singh, Banty Singh, Rohi Singh and nephew of Rohi Singh along with two unknown persons were standing there.

They intercepted them. Sukhdeep Kaur rushed to home and started shouting that Varinder Singh was attacked by the party of Sarpanch. Upon this, he along with his father Banta Singh rushed to the spot and Gagandeep Sarpanch (present applicant), in his presence, gave an iron rod blow on the head of his brother with an intention to kill him. Varinder Singh fell down, whereupon Surjit Singh gave blows of iron rod and Lakhi Singh gave stick blows on his legs and arms. Rohi Singh, Banty Singh and nephew of Rohi Singh also gave stick blows on the person of his brother. As he (complainant) and his father tried to rescue his brother from their clutches, Gagandeep Sarpanch (present applicant) gave blow of iron rod on his left ear. Banty Singh gave stick blow on his head. Lakhi Singh gave stick blow on his left leg. He fell down and while he was lying on the ground, Rohi Singh and his nephew gave various blows of sticks on his left leg and leg arm. Similarly, as his father came forward to rescue, Gagandeep Singh (present applicant) and others inflicted injuries on his person. On hearing their noise, the people gathered there. Thereafter, the above said persons fled from the spot along with their respective weapons.”

Learned counsel for the petitioner has argued that the petitioner along with five other accused persons was implicated in the above FIR allegedly for causing injuries to victim-Beant Singh, Banta Singh and Varinder Singh, but other co-accused have already been released on regular bail. He submits that though the investigation of the case is complete, but till date even charges have not been framed, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Gurdip Singh has opposed the prayer on the ground that the nature of injuries attributed to petitioner and his co-accused Surjit Singh constitute

the offence punishable under Section 307 IPC. He has further produced the custody certificate dated 03.07.2022 filed by way of affidavit of Jaspreet Singh, PPS, Deputy Superintendent, District Jail Sangrur, which indicates that petitioner is involved in other cases as well, however, it is not disputed that in the those cases, he has already been released on bail and petitioner's co-accused have also been released on bail. According to him, the case is now coming up before the trial Court on 18.07.2022 for framing of charges.

After hearing learned counsel for the petitioner, considering the above background, custody of the petitioner and the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 19.02.2021. Apart from it, the material witnesses are either the injured or police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

04.07.2022	Whether speaking/reasoned :	Yes	No
vanita	Whether Reportable :	Yes	No