

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211

CRM-M No.10553 of 2022
Date of decision:16.03.2022

Krishan Singh @ Palli

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL J.(ORAL)

Heard through video conferencing.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.45, dated 01.04.2021 registered for offences under Sections 436/379-B/354/506/148/149 of IPC, 1860, (Section 201 of IPC was added later on) at Police Station Nihal Singh Wala, District Moga.

As per the case of the prosecution, FIR, has been registered on the statement of Honey Kumar, wherein he stated that he is a resident of Vancouver (Canada) and had come to India for two months as there was a marriage in his family. On 31.03.2021, he had gone to the village of his grand-mother to pick her up and when he was reversing the vehicle, Gurpreet Singh @ Gopi, who was armed with a baseball bat, Gobind Singh @ Kundan, who had a *kirch*, Sandeep Singh carrying a hockey stick, Gurdeep Singh @ Bohar Singh, who had a stick and Krishan Singh

@ Palli (present petitioner), who had a baseball bat, picked up a quarrel with him on a trivial issue. They started physically assaulting him and Gurpreet Singh @ Gopi and Sandeep Singh picked up a black bag belonging to his wife, who came out of the vehicle. Gurdeep Singh @ Bohar outraged her modesty. Krishan Singh @ Palli and Gobind Singh @ Kundan damaged the vehicle with brickbats. On an alarm raised by them, when people started gathering, the accused fled away threatening them and set his vehicle on fire.

Counsel for the petitioner submits that the sole allegation against the petitioner is of having thrown brickbats on the vehicle of the complainant and the allegations regarding snatching or outraging the modesty are against other accused. He submits that though it has been alleged that the petitioner had alighted vehicle but the allegation is false. He has placed reliance upon order dated 07.12.2021, Annexure P-1, whereby co-accused, Gobind Singh @ Kundan, has been granted regular bail by this Court to submit that the case of the petitioner is at the par with the said co-accused. He asserts that the petitioner, who has a spotless past and is in custody since 12.04.2021 deserves to be released on bail as investigation is complete and the petitioner is no longer required for custodial interrogation.

Per contra, learned State counsel upon instructions from ASI Sher Bahadur, has urged that the petitioner was a member of unlawful assembly, who without any reason, harassed the complainant, committed theft and outraged the modesty of a lady travelling with him. As per his instructions, upon completion of investigation, challan has been

presented against 04 accused and the 5th accused, namely, Sandeep Singh has been declared as a Proclaimed Offender. Upon further instructions, he submits that charge has been framed, though none out of the 18 prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that the material collected by the prosecution would remain a subject matter of debate before the trial court.

Therefore, the petitioner, who is in custody for the last more than 11 months would be entitled to be released on bail as he enjoys an unblemished past and the trial is at the initial stage.

Without adverting to the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.03.2022

sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No