

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16446-2021 (O&M)
Date of Decision:-15.7.2022

Charat Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by Jaspal Singh.

Mr. Arshdeep Singh Brar, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.266 dated 24.12.2019, Police Station City South Moga, District Moga, under Sections 452, 323, 325, 148, 149 of Indian Penal Code, wherein offence under Section 452 IPC was deleted and offence under Section 307 IPC was added later on.
2. The FIR was lodged at the instance of Amandeep Singh, wherein he has alleged that on 23.12.2012, when he was present in his house alongwith his friend Ravinder Singh, then Jassa Singh @ Gyani @ Juri armed with a 'khanda', Simran Dhaliwal also armed with a 'khanda' and Ninder Singh

entered into his house. It is alleged that when Ninder Singh raised a '*lalkara*' exhorting his companions to catch hold of complainant and his friend, the complainant and Ravinder Singh ran outside the house, where they saw that Sharan Dhaliwal and Puneet Dhillon were present armed with '*khanda*' and iron rod. Simran Dhaliwal, Jassa Singh @ Gyani @ Juri and Ninder Singh were following the complainant and his friend. Simran Dhaliwal is alleged to have given a blow with '*khanda*' on the right leg of the complainant. His brother Sharan Dhaliwal also inflicted a blow with '*khanda*' hitting complainant's right leg. Puneet Dhillon gave a blow with rod on complainant's right foot. Jassa @ Gyani @ Juri inflicted a '*khanda*' blow on his left leg. Gurpreet Singh @ Gopi also gave a blow with rod on his left ankle. Gurbhej Singh Dhaliwal is stated to have inflicted a blow with rod on complainant's forehead. When the complainant's friend Ravinder Singh tried to save him, he was also inflicted injuries.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and has been falsely implicated subsequently on the statement of Ravinder Singh, the other person alleged to be injured, who has stated that the petitioner had inflicted a blow with '*khanda*' on his head. Learned counsel has further submitted that the offence under Section 307 IPC was added after about 10 months of lodging of the FIR.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that the FIR clearly shows that two persons were inflicted injuries and that while the FIR came to be lodged at the instance of one of them i.e. Amandeep Singh, the statement of other injured namely Ravinder Singh was recorded on the next day, wherein he has clearly

stated about the injuries caused to him and as to who had inflicted the said injuries. It has been submitted that since an injury with a sharp edged weapon was caused by the petitioner on the head of Ravinder Singh, which has subsequently been opined by the doctors to be dangerous to life, it is the petitioner, who is the main accused and, as such, does not deserve the concession of bail.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner is not named in the FIR, but the said fact is more than amply explained by the fact that the other injured, who is duly named in the FIR, had got his statement recorded on the very next day as regards the injuries sustained by him. Said Ravinder Singh was found to be having three injuries and the injury attributed to the petitioner is an injury with the help of a '*khanda*' on the forehead of said Ravinder Singh, which is duly reflected in the MLR. Still further the CCTV footage collected from the spot also establishes the involvement of the petitioner and, in these circumstances, the mere fact that the complainant did not name him in the FIR would lose significance. However, it has been informed by learned State counsel that the petitioner as on date has been behind bars since the last 1 year, 8 months and 28 days and that as on date only 1 out of cited 17 PWs has been examined.
7. Though the petitioner is stated to be involved in 5 other cases but this Court finds that during the period of 10 months when the petitioner was on bail in the present case before offence Section 307 IPC came to be added, the petitioner is not stated to have ever misused the concession of bail. In these circumstances, having regard to the custody of the petitioner and also the fact

that the conclusion of trial is likely to consume time as only 1 out of cited 17 PWs has been examined so far, no useful purpose will be served by detaining the petitioner behind bars any longer. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.7.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No