

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

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CRM-M-18781-2022
Date of decision: 25.07.2022

RAJINDER SINGH @ NITTU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Viranjeet Singh Mahal, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.102 dated 08.08.2021 (Annexure P-1) registered under Sections 307, 397, 455, 411, 120-B read with Section 34 of the Indian Penal Code, 1860 at Police Station Dhanola, District Barnala.

2. As per case of prosecution, one Amarjit Kaur aged about 65 years got recorded her statement that on the fateful day, she alongwith her mother were alone at home. At about 12:30 P.M., two persons on motorcycle came in front of their house. One of them was Rajinder Singh @ Nittu (petitioner herein) and he was calling the other by name of Binder Singh. Rajinder Singh asked the complainant that they are affixing poster of some doctor in the village. They should be provided with drinking water. Complainant provided them with

drinking water and they went away. After 10 minutes they again entered into her house and stated that they should be provided with tea and they sat on cot near mother of complainant. When complainant went to kitchen for preparing tea, accused Rajinder Singh came in the kitchen and after catching complainant from neck threw her down and after picking up stone meant for crushing vegetables struck in the head and other person strangled mother of complainant and after picking up brick started hitting on her head and threw her in the kitchen. Complainant and her mother fell unconscious and both accused persons pulled ear rings of complainant and her mother and their ears got torn and after searching their house, they took away cash and jewellery.

3. Petitioner-Rajinder Singh was arrested and at his statement, co-accused Amritpal Kaur was arrayed as accused being conspirator alongwith named accused and after her arrest, snatched property of complainant was recovered from the possession of co-accused Amritpal Kaur. The petitioner is in custody since 08.08.2021.

4. Learned counsel appearing on behalf of the petitioner submits that no recovery is to be effected from the petitioner and that he has already undergone an actual custody of approximately 01 year and that he is not involved in any other case. He further contends that a total of 16 witness have been cited by the prosecution and no witness has been examined so far by the trial Court.

5. Per contra, learned counsel appearing on behalf of the respondent-State contends that the petitioner had caused injuries with the aid of grinding stone on the head of the complainant while the co-accused attempted to strangle her mother. She further contends that

the injury was found to be grievous. She however does not dispute the fact that the petitioner is not involved in any other case and that no prosecution witness out of the 16 witnesses so cited has been examined so far. Besides, no recovery is to be effected from the petitioner.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their able assistance.

7 Without examining the merits of the instant case and taking into consideration, the clean antecedents of the petitioner, the period of actual custody undergone by the petitioner and also the stage of the trial, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 25, 2022
vishal sharma

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*