

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

CRM-M-19954-2022 (O&M)
Date of Decision:-23.12.2022

Sunny Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ravinder Singh, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

CRM-49911-2022

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 7.2.2023 and is taken on board today.

CRM-M-19954-2022 (Main Case)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.40, dated 11.2.2022, Police Station Samana, District Patiala, Punjab under Sections 341, 323, 427, 506, 34 of Indian Penal Code, wherein offence under Section 307 IPC was added later on.

2. The FIR was lodged at the instance of Tarminder Singh, wherein it is alleged that on 10.2.2022, his nephew Pardeep, who is a Physical Education Teacher, was waylaid by Gursahib Singh, Sandeep Singh, Gurdeepak Singh and another 3-4 unknown persons, who surrounded his nephew's motorcycle. It is alleged that he (complainant) was also following his nephew on his own motorcycle. It is alleged that Gurdeepak Singh and Sandeep held the complainant's nephew from his collar and threw him down. Thereafter Gurdeepak Singh caught hold of complainant's nephew from his arms and sat on his chest, while Sandeep caught hold of his legs and thereafter Gursahib Singh inflicted a blow on the head of complainant's nephew with an iron rod having a 'grari' (sprocket) fixed on one end. Complainant's nephew was given several more blows. Gursahib Singh also gave a blow on the right eye of complainant's nephew.
3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and only 3 persons are specifically named therein and that the petitioner came to be nominated subsequently on the basis of a disclosure statement made by co-accused Gursahib Singh after about 9 days of lodging of the FIR, which would not carry any evidentiary value particularly in the absence of any other connecting evidence. Learned counsel has further submitted that the petitioner is a young boy aged 19 years and has a clean record.
4. It has further been submitted that the petitioner, while fully reserving his rights to defend the case, is willing to compensate the injured for his injuries to the tune of Rs.50,000/- without the said act being construed as any kind of admission on his part. It has further been submitted that, in any case, even if

the case of the prosecution as regards disclosure statement against petitioner is taken to be correct, it is the co-accused Gursahib Singh, who is attributed injuries on the person of the injured.

5. Opposing the petition, learned State counsel has submitted that since the name of the petitioner figured in the disclosure statement made by co-accused, who is specifically named in the FIR, his complicity is clearly evident. Learned State counsel has further submitted that since the injured remained hospitalized for a long time and even as on date is bed ridden at his home, it is apparent that the injuries had been inflicted with an intention to murder him. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 9 months and otherwise has a clean record. It has also been informed that as on date none out of the cited 31 PWs has been examined.
6. This Court has considered the rival submissions.
7. It is correct that the petitioner is not named in the FIR but came to be nominated later on the basis of a disclosure statement made by co-accused. The petitioner has been behind bars for a substantial period of more than 9 months. Conclusion of trial is likely to consume time inasmuch as none out of the cited 31 PWs has been examined so far. In these circumstances, without expressing anything as regards merits of the case but while noticing the custody and the clean record of the petitioner, the petition 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.

8. However, keeping in view the offer made on behalf of the petitioner, the petitioner is directed to deposit an amount of Rs.50,000/- before the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned at the time of furnishing bail bonds/surety bonds. Upon deposit of such amount, the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned shall release the said amount to the injured-Pardeep after proper identification and receipt.
9. It is, however, clarified that the aforesaid payment would not be construed to be any kind of admission and will not affect the defence of the petitioner in any manner.

23.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No