

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

Date of decision: 10.08.2022

(1) CRM-M-22986-2022 (O & M)

Harmanjeet Singh Petitioner

V/s

State of Punjab ...Respondent

(2) CRM-M-27508-2022 (O & M)

Hardev Singh Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bikramjeet Singh Jatana, Advocate, for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. CRM-M-22986-2022 and CRM-M-27508-2022.

The prayer in the present petitions under Section 439 Cr.P.C. is
for the grant of regular bail to the petitioners-Harmanjeet Singh and Hardev
Singh in case FIR No.0141 dated 20.12.2021 under Sections 452, 324, 506,
148 and 149 IPC and Section 326, 120-B IPC (added later on) with Police
Station Barnala, District Barnala.

2. The present FIR came to be registered at the instance of Harjit

Kaur wife of Balwinder Singh, who stated that she was married to Balwinder

Singh and had four children. On 20.12.2021, when her husband had left for work, then, five unknown persons knocked at the gate of the house. On opening the gate, they forcibly entered her house holding *kirchs/swords* in their hands and started giving her sword blows. Three blows struck near her elbow of the right arm and three blows were struck upon the knees of her right and left legs. Thereafter, on her shouting, the accused ran away from the spot. The petitioners came to be arrested on 07.04.2022, based on the statement of Balwinder Singh, husband of the complainant, which was recorded on 06.04.2022.

3. The learned counsel for the petitioners submits that the petitioners have not been named in the FIR and, in fact, have been named after more than three months of the occurrence. There is an unexplained delay of 08 hours in the registration of the FIR, which makes the prosecution case doubtful. Even otherwise, the case is triable by the Court of a Magistrate and as the investigation stands completed and none of 16 prosecution witnesses has been examined so far, the petitioners deserve the concession of bail.

4. The learned counsel for the State, on the other hand, contends that a *kirch* has been recovered from the petitioners. The injury attracting Section 326 IPC has been attributed to them. They (the present petitioners) are involved in one other case i.e. FIR No.25 dated 14.03.2022 under Sections 452, 323, 506, 148, 149 and 120-B IPC registered with Police Station Barnala, District Barnala and have been granted the concession of bail therein. In view of the fact that the injuries have been caused to a lady, the petitioners do not deserve the concession of bail.

5. I have heard the learned counsel for both the parties.

6. Admittedly, the petitioners are in custody since 07.04.2022. The challan stands filed and none of the 16 prosecution witnesses have been examined till date and therefore, the trial is not likely to be concluded in the near future. Even otherwise, the case is triable by the Court of a Magistrate. In the other case against the petitioners, they have been granted the concession of bail. Besides, the co-accused of the petitioners, namely, Aditya Malik, has been granted the concession of regular bail vide order dated 05.08.2022.

7. In view of the above, the further incarceration of the petitioners is not required. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioners, namely, Harmanjeet Singh and Hardev Singh, are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

- (i) The petitioners shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that they are not involved in any crime other than the cases mentioned in this order.
- (ii) If any attempt whatsoever is made by the petitioners and/or their family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

(JASJIT SINGH BEDI)

JUDGE

August 10, 2022

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No