

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

CRM-M-24293-2022 (O&M)

Date of Decision:-20.9.2022

Manpreet @ Manu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naresh Kumar, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Lakhbir Singh.

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.122, dated 4.8.2021, Police Station Garhshankar, District Hoshiarpur, under Sections 323, 324, 452, 307, 379, 34 of Indian Penal Code, wherein offences under Sections 397 and 460 IPC were added and offence under Section 34 of IPC was deleted later on.
2. The FIR in question was lodged at the instance of Harsh Kumar, wherein it is alleged that on 25.7.2021, while he was lying in his house, he was attacked by 4 unidentified persons, who had their faces muffled. It is alleged that one of them, who was carrying a 'datar' gave two blows with the same on his head and 3rd on his nose and yet another blow on his left eye. The second person caught hold of him from his legs, while the 3rd person gave

two blows with a screw driver below his right leg and left leg. The 4th person is alleged to have inflicted blows with a stick on the legs and chest of the complainant.

3. Short reply by way of affidavit of Sh. Daljit Singh, PPS, Deputy Superintendent of Police, Sub-Division, Garhshankar, District Hoshiarpur has been filed by learned State counsel today in Court, which is taken on record.
4. Learned counsel for the petitioner submitted that no credibility can be attached to the version put forth in the FIR inasmuch in the supplementary statement made by the complainant on 10.12.2021, he has come out with an altogether different version that the injuries had been inflicted to him by one person only namely Manpreet @ Manu.
5. Opposing the petition, learned State counsel has submitted that while it is correct that nobody is named in the FIR but in the supplementary statement of the complainant recorded on 9.10.2021, he had categorically named all the four persons including the petitioner and that the petitioner happens to be named even in the supplementary statement dated 10.12.2021, which would show that the complainant has been consistent in his version as regards the petitioner. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 10 months and otherwise has a clean record. It has been informed that charges are yet to be framed and as many as 15 PWs have been cited.
6. This Court has considered the rival submissions.
7. The veracity of version put forth by the complainant in the FIR would certainly require to be tested during the stage of trial inasmuch he has come

out with a different version in the supplementary statement dated 10.12.2021. In the said statement he has alleged that only one person had caused injuries to him, whereas in the FIR he specifically stated that four persons had caused injuries to him and has also attributed specific injuries to them. The petitioner otherwise has been behind bars since the last about 10 months and is stated to be having a clean record. Conclusion of trial is likely to consume time as none out of the cited 15 PWs has been examined and infact even the charges have not been framed so far. In these circumstances, further detention of the petitioner will not serve any useful purpose.

8. 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.

20.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No