

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25755-2022

DATE OF DECISION: JULY 5, 2022

KULDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.G. CHANDIWALA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.295 dated 1.12.2019, under Section 323, 34 IPC (Section 326 IPC added later on), Police Station Lambi, District Sri Muktsar Sahib, who is in custody since his arrest on 9.4.2022.

As per the FIR, complainant Harjit Singh alleged that his neighbour Gagandeep Singh used to pluck Guavas from their tree. He was advised various times not to do such act. In this regard, on 28.11.2019, at around 9.00 a.m. his mother Sukhpal Kaur went to the house of Gagandeep Singh and raised her grievance and came back home. Thereafter, when Sukhpal Kaur was standing at the gate of her house, Gagandeep Singh alongwith Kuldeep Singh came there and started arguing with her. On hearing the same, the complainant also came there and asked Gagandeep Singh not to behave like that. On this Gagandeep Singh asked Kuldeep

Singh to catch hold of him and teach him a lesson and attacked with a knife on him which resulted injury on his nose and a part of his nose got cut and fallen down. Thereafter Gagandeep Singh and Kuldeep Singh tried to take him to their house, but the complainant raised hue and cry and the family members of complainant reached there and Gagandeep Singh and Kuldeep Singh fled away from the spot. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that initially the FIR was registered under Section 323, 34 IPC, however, Section 326 IPC was added later on after a long delay of 1 years and 5 months, i.e. on 20.4.2021 (Annexure P-2). Learned counsel for the petitioner submits that in the alleged occurrence the petitioner was beaten up by the complainant and his father and in this regard a cross case was also got registered by Kuldeep Singh through DDR No.37 dated 1.12.2019 (Annexure P-3). Learned counsel for the petitioner submits that the investigation of the case is already complete, but the charges have not been framed till date. He prays for bail.

On the other hand, learned State counsel assisted by ASI Jasvir Singh has opposed the aforesaid prayer, however, it is not disputed the Section 326 IPC was added on 20.4.2021 and cross case was also registered against the complainant in the FIR.

Considering the above background and the custody of the petitioner, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Further the material witnesses are either the close relatives of victim or the

police officials and there does not seem any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

July 5, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No