

213(4 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

1. CRM-M-29197-2022  
Date of Decision: September 29, 2022

Mandeep Singh .....Petitioner  
Versus  
State of Punjab .....Respondent

2. CRM-M-29216-2022

Jaswinder Singh @ Kaka .....Petitioner  
Versus  
State of Punjab .....Respondent

3. CRM-M-29387-2022

Satnam Singh .....Petitioner  
Versus  
State of Punjab .....Respondent  
and

4. CRM-M-41827-2022 (O&M)

Sukhjeet Singh alias Billa .....Petitioner  
Versus  
State of Punjab .....Respondent

**CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present: Mr.Sumeet Sagar Maini, Advocate for the petitioner(s)  
in CRM Nos.29197 and 29216 of 2022  
Mr.K.S.Brar, Advocate, for the petitioner  
in CRM-M-29387-2022 and  
Mr.Karandeep S.Sidhu, Advocate for the petitioner  
in CRM-M-41827-2022

Mr.Karunesh Kaushal, AAG, Punjab

Mr.A.K.Khunger, Advocate  
for the complainant.

.....

**RAJESH BHARDWAJ, J.(ORAL)**

This order shall dispose of all the above-mentioned petitions as they have arisen out of same FIR.

The present petitions have been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioners in case FIR No.17, dated 16.2.2022 under sections 452, 395, 380, 354-B, 148, 149, 323, 427, 201 IPC, later on added Section 379-B IPC vide rapat No.24 on 03.05.2022, registered at Police Station, Bariwala, District Sri Muktsar Sahib.

As per factual matrix, the FIR in question was lodged by complainant Gagandeep Kaur. It was alleged that her marriage was fixed for 19.2.2022 and on account of the same a number of relatives had gathered at their home. At about 6.00 PM a number of persons, duly armed, trespassed into their house and thereafter caused damage to the property and looted the gold articles. The modesty of the complainant as well as her aunts Preet Kaur and Seema Rani was also outraged. FIR was lodged to take legal action against the culprits.

The investigation commenced and the petitioners were arrested on different dates in the month of February, 2022. They approached separately to learned Addl. Sessions Judge, Sri Muktsar Sahib for grant of bail, however, after hearing the parties, the same were declined vide separate orders dated 26.04.2022, 07.05.2022, 20.06.2022 and 05.09.2022. Aggrieved by the same, petitioners have approached this court for grant of bail.

Learned counsel for the petitioners vehemently contend that petitioners have been falsely implicated in the present case on account of the party fraction in the village. They submit that the alleged occurrence had taken place during the on going assembly elections. They submit that on the

basis of a concocted version, the present FIR has been lodged to implicate the maximum members of the rival party. It is submitted that the only allegation against the petitioners are that they were armed with weapons. However no injury has been caused by them. It is further submitted that co-accused of the petitioners has already been granted the concession of regular bail by this Court in CRM-M-12727-2022. Counsel submits that in the overall facts and circumstances of the case, petitioners deserve to be enlarged on bail.

Learned counsel for the complainant has opposed the submissions made by counsel for the petitioners tooth and nail and submits that there are categoric allegations against the petitioners and they cannot wriggle out of the same. Counsel submits that petitioners were duly armed and they attacked the family members of the complainant and all the accused looted gold articles from the house of the complainant. It is submitted that they played a specific role in committing the offence.

On the other hand, learned State counsel has submitted that initially 12 accused were named in the FIR and the name of the rest of 12 accused were surfaced during investigation. It is further submitted that challan has been presented and a specific role has been attributed to the petitioners.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioners are behind bars February 2022. In all there are 24 accused in the present case, as submitted by learned State counsel and challan against the accused persons has also been presented.

Admittedly, the occurrence had taken place at the time of elections. Whether

the petitioners being members of the rival party have been framed in a false case or not is to be decided by the trial Court on the basis of evidence to be led before it by both the parties. The trial would take sufficiently long time in its conclusion. Co-accused of the petitioners has already been granted the concession of regular bail by this Court vide order dated 01.08.2022 passed in CRM-M-12727-2022.

In the totality of facts and circumstances and without making any observation on merits, present petitions are allowed. Petitioners be enlarged on bail on their furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned.

Nothing stated herein shall be treated as an expression on the merits of the case.

A copy of this order be placed on the file of connected cases.

September 29, 2022  
meenuss

**( RAJESH BHARDWAJ )**  
**JUDGE**

- |                                       |               |
|---------------------------------------|---------------|
| <b>1. Whether speaking/reasoned ?</b> | <b>Yes/No</b> |
| <b>2. Whether reportable ?</b>        | <b>Yes/No</b> |