

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

CRM-M-29061-2022 (O&M)

Date of Decision:-27.7.2022

Sonu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bali, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Satwinder 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.19, dated 26.1.2021, Police Station Dehlon, District Ludhiana, under Sections 341, 326, 506, 148, 149, 427 of Indian Penal Code, wherein offence under Section 307 IPC was added later on.
2. The FIR was lodged at the instance of Manpreet Singh, wherein it is alleged that on 24.1.2021 at about 1:00 p.m. when he had gone to irrigate his fields and was present near his fields, then some boys came there on 4-5 motorcycles and stopped near him amongst whom were Dicky Gill, Deepak Gill, Veeru, Gopi, Gaggi and 2-3 unidentified persons. It is alleged that Deepak Gill inflicted a blow with 'kirpan' hitting the complainant on his left hand. Veeru also gave a blow with sword hitting the complainant's head.

Dicky Gill is also stated to have inflicted a blow on complainant's head. When the complainant fell down, then Gopi, Gaggi and unknown persons caused injuries to him with the help of swords on his head and on both of his legs. When the complainant raised alarm his brother came at the spot and thereafter the accused fled away alongwith their respective weapons on their motorcycles. It is further alleged that in the said occurrence his gold chain and wallet was lost while his mobile phone was damaged.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and has been falsely implicate on the basis of a supplementary statement of the complainant recorded after about one month of the alleged occurrence. Learned counsel has submitted that falsity of the supplementary statement would be evident from the fact that the petitioner happens to be resident of the same village as that of the complainant and infact the other co-accused, who are duly named, also belong to the same village.
4. Opposing the petition, learned State counsel has vehemently argued that it is a case where the complainant was brutally attacked with lethal weapons in the shape of swords and that the MLR fully substantiates the allegations as levelled in the FIR inasmuch the injured was found to be sustaining as many as 7 incised wounds out of which 6 are on his head, which have been declared as dangerous to life. Learned State counsel submitted that it was subsequently upon inquiries made by the complainant that name of the petitioner came to be known to the complainant and thereafter he disclosed the same to the police and that since there is nothing on record to show that there is any enmity between the complainant and the petitioner, therefore, it

cannot be said that he has been falsely implicated. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 4 months and that as many as 14 PWs have been cited and charges are yet to be framed. Learned State counsel has also informed that the petitioner is also involved in one more case for offence under Section 323, 341 and 506 of Indian Penal Code.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR and came to be nominated after about 1 month of the occurrence on the basis of a supplementary statement. The fact as to whether the petitioner has been truthfully nominated or not is a question, which would be debatable particularly in view of the fact that the petitioner happens to be resident of the same village, where the complainant resides. In any case, the petitioner has been behind bars for a substantial period of 1 year and 4 months. Conclusion of trial is likely to consume time as the trial has not even commenced till date and as many as 14 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose.
7. 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.

27.7.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No