

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.34847 of 2021
Date of Decision: March 08, 2022

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Lupil Gupta, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, 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.95 dated 16.07.2021, under Sections 308, 325, 323 and 34 IPC, 1860, registered at Police Station, Dayalpura, District Bathinda, who is in custody since his arrest on 16.07.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Bathinda in para 3 of his order dated 12.08.2021 while dismissing the bail application of the petitioner and other accused, read as under:-

“The summary of the case of prosecution is that the present case was registered on the statement of Surjit Singh to the effect that he is a painter and on 10.04.2021 at about 8.00 P.M he returned to his home. When he reached home, he found that Mandeep Singh was standing near the house of Satpal Singh, which was near his house. He told him not to stand there, as

they were not had good terms. Mandeep Singh started quarreling with him for standing there. In the meantime, Baldev Singh, father of Mandeep Singh armed with soti and Paramjit Kaur took kasia from the house of Baldev Singh came there. Mandeep Singh after taking kasia from Paramjit Kaur, gave kasia blow from reverse side which hit on left side of his head on the ear. He fell down. Baldev Singh gave him soti blows which hit on his left elbow and second blot hit on left side of his waist. Thereafter, Satnam Singh, Angrej Singh and Paramjit Kaur started hitting with brick bats, which hit on his face, left little finger and below the left eye. He also received other injuries. Complainant further stated that his daughter Arshpreet Kaur and wife Sukhdeep Kaur saved him from the clutches of accused persons. He was taken to hospital at Bazakhana and from there he was referred to Guru Gobind Singh Medical College, Faridkot. The motive behind the occurrence was that he has a younger daughter. Mandeep Singh etc. intentionally used to stand in the street and play songs on the mobile. He used to stop him. Therefore, they were not on good terms.”

Learned counsel for the petitioner has argued that though the alleged occurrence took place on 10.04.2021, but the FIR was lodged after a long delay on 16.07.2021 and two of his co-accused, namely, Baldev Singh and Satnam Singh have already been released on regular bail by the trial court. He further submits that as the investigation of the case is complete, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Gurjant, has opposed the prayer and according to him, the injury inviting the offence punishable under Section 308 IPC is attributed to the petitioner.

However, it is not disputed that the co-accused are on bail and charges in

this case are yet to be framed. He, on instructions, further states that the petitioner is not involved in any other case.

Considering the above background, custody of the petitioner and the fact that the trial is yet to commence, this court is of the opinion that his further detention behind the bars may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Bathinda.

March 08, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No