

221

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.37097 of 2021 (O&M)

Date of decision: 15.03.2022

Deepa Singh @ Deepak

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Dinesh Maurya, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.115 dated 03.07.2020, for offence punishable under Sections 308, 323, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Kotwali, District Bathinda.

Counsel for the petitioner, at the very outset, has relied upon the order dated 22.07.2021 passed in CRM-M No.324 and 9172 of 2021, granting bail to co-accused Sonu Singh and others. It is further submitted that even another accused Avtar Singh has been granted the concession of regular bail vide order dated 10.09.2020 passed in CRM-M No.27184 of 2020. The operative part of the said order, reads as under:-

“Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Manpreet Singh @ Babbu, as many as 16 persons came to his house and caused injuries to him. Counsel for the

petitioner has referred to the relevant part of the FIR wherein it is stated that Mohinder Singh and Gurdev Singh, who were armed with kapa, attacked him and as a result of which, he became unconscious. The only allegation against the petitioner is that he had caught hold of the victim and there are no specific allegation of causing any injury to him. It is further submitted that the occurrence has taken place on 15.06.2020 whereas the FIR was registered after a delay of 18 days i.e. on 03.07.2020.

Counsel for the petitioner has further argued that even on the date of registration of the FIR, one DDR No.37 was lodged at the instance of Pooja, from the side of the accused party against Manpreet Singh in which it was stated that the complainant – Manpreet Singh has caused injuries to her right wrist and torn her shirt to outrage her modesty. Lastly, it is argued that since it is a case of version and cross-version, the aggressor is yet to be ascertained and the petitioner is ready to join the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position but opposed the prayer for bail.

After considering the arguments raised by counsel for the parties and in view of the fact that it is a case of version and cross-version and no specific injury is attributed to the petitioner, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from today to join the investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.”

Counsel for the petitioner has also submitted that the petitioner is not involved in any other case and he is in custody for the

last 01 year, 03 months and 22 days, challan stands presented, however, no PW has been examined, so far.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Reply by way of affidavit of the Investigating Officer has also been filed and as per the reply, the MLR of the victim Manpreet Singh reflects 02 injuries on his body, out of which 01 injury was declared dangerous to life and the petitioner is stated to have given fist blows to the victim.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year 03 months and 22 days; the co-accused of the petitioner are already released on bail; the petitioner is not involved in any other case; challan stands presented; no PW has been examined so far; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

15.03.2022

yakub

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No