

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

CRM-M-41029-2022

Date of Decision: 13.09.2022

Harpreet Singh @ Happy and another

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

1. This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No. 89, dated 01.06.2022, under Sections 307/326/325/324/323/506/148/149 of the Indian Penal Code, 1860, and Section 25 of the Arms Act, 1959, registered at Police Station City Patti, District Tarn Taran.

2. Learned counsel for the petitioner has submitted that the present case is a case of version and cross-version and as per the FIR, petitioner no. 1 has been attributed one injury with the reverse side of the '*Datar*' on the left side of the neck of Baljit Singh, which has been declared to be simple in nature and petitioner no. 2, although was stated to be armed with a '*Datar*', but has been attributed with only rasing a '*lalkara*'. It is submitted that both the petitioners have suffered injuries and the MLR of both the petitioners have been annexed as Annexures P-3 and P-4. It is submitted that in the cross-version, there are 06 accused persons and that

both the petitioners are in custody since 05.06.2022 and the investigation is complete and there are 16 witnesses out of which, none have been examined and thus, the trial is likely to take time. It is submitted that the petitioners are not involved in other case.

3. Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner along with unknown persons and the other co-accused fired pistol shots which had hit the left shoulder of Paramjit Singh. The other facts however, have not been disputed by learned counsel for the State.

4. This court has heard learned counsel for the parties and has perused the paper book.

5. The present case is a case of version and cross-version. The petitioner no. 1 has been attributed a simple injury inflicted by the reverse side of '*Datar*' upon the left side of the neck of Baljit Singh and petitioner no. 2 has been attributed with raising a '*lakara*'. The petitioners are also stated to have suffered injuries themselves and reference had been made to the MLR, which have been annexed as Annexures P-3 and P-4. The petitioners are in custody since 05.06.2022 and the investigation is complete and the '*challan*' has been presented and there are 16 witnesses, none of whom have been examined and thus, the trial is likely to take time. The petitioners are stated to be not involved in any other criminal case.

6. Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them not being

required in any other case and also subject to the petitioners giving an undertaking to the trial Court that they would appear before the trial Court on each and every date unless their personal appearance is specifically exempted by the Court.

7. However, it is made clear that in case, any act is done by the petitioners to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

8. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

September 13, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No