

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49424-2021 (O&M)
Date of decision: 01.09.2022

Mahinder Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P.S. Pakka, Advocate
for the petitioners.

Mr. S.S. Goripuria, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.115 dated 03.07.2020 under Sections 308, 323, 148, 149 IPC, registered at Police Station Kotwali, District Bathinda; earlier one was dismissed on 22.07.2021.

Learned counsel for the petitioners submits that new ground for filing this second petition is that the petitioners are in custody for the last 01 year, 09 months and 12 days and victim Manpreet Singh, who appeared as PW1, has not supported the prosecution version. It is further submitted that PW1 Manpreet Singh gave a complaint to the police that on 15.06.2020 at about 6.30 pm, while he was going to his home on the motorcycle and parked the same in front of his house and Gurdeep Singh @ Sonu, Mahinder Singh,

Gurdev Singh, Deepa Singh, Avtar Singh @ Janu, Rani Kaur, Roshan Kaur, Laddi, Pooja, Soma, Kanchan and Kaka Singh, residents of Guru Nanakpura Mohalla, Bathinda and Darshan Singh, Balvir Singh @ Bira, who are residing in his neighbourhood along with Jangir Singh and Ravi Singh were standing in the street. Sonu and Kaka Singh gave a punch blow with an intention to break the spine, which hit on his back, but he saved himself. Thereafter, the accused forcibly threw him on the road from the motorcycle and started giving blows with legs and fists. The complainant tried to flee from the spot, but petitioners Mahinder Singh and Gurdev Singh, who were armed with kapa, attacked him. Mahinder Singh gave a kapa blow on his forehead and Gurdev Singh gave kapa blow, which also hit on his forehead and due to the injuries, bleeding was started.

Learned counsel further submits that in examination of PW1 Manpreet Singh, though he identified both the petitioners, however, in his cross-examination, this witness stated that he identified accused Deepa Singh, Sonu Singh, Pooja Rani, Avtar Singh and Darshan Kumar, who were present in the Court, but accused Mahinder Singh and Gurdev Singh (petitioners) produced by the jail authorities, present in the Court, never inflicted any injury to him and rather some unknown persons with muffled faces suddenly attacked, when he was in front of his house and cannot identify those persons.

It seems that some compromise is effected between the parties on account of which, in cross-examination, the complainant refused to support the prosecution version, because the parties are neighbours and may have resolved the dispute.

Learned State counsel, on instructions from ASI Jaswinder Singh, has not disputed the factual position.

As per the custody certificates dated 31.08.2022 filed in the Court today, the petitioners are in custody for the last 01 year, 09 months and 12 days and are not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case and also in view of the fact that only official witnesses remain to be examined, this petition is allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

01.09.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No