

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

1. CRM-M-51117-2021

Preetpal Singh @ Pitu and othersPetitioners

Versus

State of PunjabRespondent

2. CRM-M-48207-2021

Harpreet Singh @ KakaPetitioner

Versus

State of PunjabRespondent

Date of decision: - 08.03.2022

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. J.S. Thakur, Advocate
for the petitioners in CRM-M-51117-2021.

Mr. J.S .Ghumman, Advocate
for the petitioner in CRM-M-48207-2021.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This order will dispose of two petitions filed under Section
439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.48

dated 11.07.2021, under Sections 323, 341, 506, 148 and 149 IPC (Sections 325 and 307 IPC added later on), registered at Police Station Nurmehal, District Jalandhar Rural.

The first petition has been filed by petitioners-Preetpal Singh @ Pitu, Harmandeep Singh @ Sukha and Charanpreet Singh @ Pita i.e. CRM-M-51117-2021 and the second petition has been filed by petitioner-Harpreet Singh @ Kaka i.e. CRM-M-48207-2021.

With the consent of all the parties, CRM-M-51117-2021 is being taken up as the lead case, as in the said case DDR No.37 dated 19.08.2021 has also been annexed and thus, the facts are being taken from the said case.

Learned counsel for the petitioners in both the petitions have submitted that in the present case, initially an FIR No.48 dated 11.07.2021 was registered under Sections 323, 341, 506, 148 and 149 IPC. It is submitted that vide DDR No.28 dated 22.07.2021, the offence under Section 325 was added and vide DDR No.37 dated 19.08.2021, the offence under Sections 307 was added. It has been further submitted that the offence punishable under Section 307 IPC has been added without there being any medical opinion to the effect that any injury inflicted upon the injured was dangerous to life and in fact, the said Section 307 IPC has been added on the basis of same allegations, as he been levelled in the FIR. It is submitted by the learned counsel for the petitioner in CRM-M-48207-2021 i.e. Harpreet Singh @ Kaka that he has not been attributed any specific role in the FIR and even in the DDR, which had

been recorded after a period of one month and 7 days after the registration of the FIR, the only role that has been attributed to the said petitioner-Harpreet Singh @ Kaka is that he had caught hold of both the arms of the complainant. No specific injury has been attributed to him. With respect to three petitioners in CRM-M-51117-2021, it has been submitted by learned counsel appearing on their behalf that the allegations against them are with respect to causing a reddish bruise of size 10 cm in length, encircling present on the anterior aspect of neck. It is further submitted that the said injury has been declared to be simple in nature. It is further submitted that the injury which attracted the provisions of Section 325 IPC, has not been specifically attributed to any of the petitioners. It has been pointed out that one of the co-accused of the petitioners, namely, Pardeep Singh has been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 01.02.2022. It is further submitted that petitioner Harpreet Singh @ Kaka has been in custody since 02.09.2021 and three petitioners in CRM-M-51117-2021 have been in custody since 19.09.2021 and the challan has been presented in the present case and there are 19 prosecution witnesses, none of whom have been examined and the trial is likely to take time to conclude, moreso, in view of the present pandemic. Further, the petitioners are stated to be not involved in any other case.

On the other hand, learned State counsel, on instructions from ASI Mohan Lal, has opposed the present petitions for regular bail. It is submitted that injury No.1 is around the neck of the injured, which is a

vital part of the body. It is further submitted that injury No.3, which is a fracture on the ribs, has attracted the provisions of Section 325 IPC. It is submitted that all the four persons have, along with other co-accused, caused the said injuries and thus, do not deserve the concession of regular bail.

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

It is not in dispute that there is no opinion of the doctor that any injury inflicted upon the complainant was dangerous to life and even injury No.1 around the neck is stated to be simple in nature. Although, injury No.3 is stated to be a grievous injury so as to attract Section 325 IPC, but the same has not been specifically attributed to any of the petitioners, in both the present petitions. Initially, the FIR was registered under Sections 323, 341, 506, 148 and 149 IPC and on the basis of the same allegations, Section 307 IPC has been added, without there being any doctor's opinion of any injury caused being dangerous to life. Petitioner Harpreet Singh @ Kaka has not been attributed any injury and has only been stated to have held the arms of the complainant. The injury with respect to which allegations have been levelled against the three petitioners in CRM-M-51117-2021, is simple in nature. Petitioner Harpreet Singh @ Kaka has been in custody since 02.09.2021 and the three petitioners in CRM-M-51117-2021 have been in custody since 19.09.2021 and the challan has already been presented in the present case and there are 19 prosecution witnesses, none of whom have been

examined and the trial is likely to take time to conclude, moreso, in view of the present pandemic. The petitioners are stated to be not involved in any other case. Further, one of the co-accused of the petitioners, namely, Pardeep Singh has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 01.02.2022.

Keeping in view the abovesaid facts and circumstances, the present petitions are allowed and the petitioners in both the petitions are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court / Duty Magistrate / CJM, and subject to them not being required in any other case.

It is however made clear that in case the petitioners influence or threaten any witness, then it would be open to the State to move an application for cancellation of bail of the petitioners.

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 cases which are only for the purpose of adjudicating the present bail petitions.

March 08, 2022
naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?	Yes
Whether reportable?	Yes