

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-51709-2021 (O&M)
Date of Decision:- 3.2.2022

Harpreet Singh alias Preet

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasvir Singh Dhaliwal, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Satpal Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.137, dated 17.5.2021, Police Station Sadar Mansa, District Mansa, under Sections 324, 341, 506, 34 IPC (Section 326 IPC added later on).
2. As per the allegations levelled in the FIR, lodged at the instance of Sonu Singh, on 15.5.2021 the complainant's neighbour Sim Kaur came to their house and requested complainant's father to accompany her as she had some urgent work. Upon such request, having been

made by Sim Kaur, complainant's father accompanied Sim Kaur. When the complainant's father and Sim Kaur reached in front of the house of Sim Kaur, complainant saw that Gurwinder Singh armed with an 'axe' and Harpreet Singh who was empty handed were present there. Sim Kaur exhorted the aforesaid two persons to teach complainant's father a lesson and pursuant to which Gurwinder Singh is alleged to have given a blow with 'axe' on the head of the complainant's father. Upon an alarm being raised by complainant's father, the said persons ran away from the spot.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case even if the allegations as levelled in the FIR are taken to be correct, the petitioner was empty handed and that it is a case of single injury attributed to co-accused Gurwinder Singh. The petitioner has further submitted that since challan already stands presented and the trial has not even commenced so far, he deserves the concession of bail.
4. On the other hand, learned State counsel has submitted that since the petitioner shared common intention with the co-accused who had inflicted a blow with 'axe' on the head of complainant's father which was declared to be a 'grievous injury', no case for grant of bail is made out. Learned State counsel has further informed that the petitioner happens to be involved in one more case registered under Section 379 IPC. The learned State counsel has however, informed that as on date not even a single PW out of the cited 14 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was unarmed and is not even attributed any injury and that the trial has not even commenced, despite petitioner being in custody for six months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.2.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No