

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

209

**Date of decision: 31.03.2022
CRM-M-52544-2021 (O&M)**

RANJEET KAUR

....Petitioner

Versus

STATE OF PUNJAB

..Respondent

CRM-M-4062-2022 (O&M)

BALWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. K.S. Sidhu, Advocate for the petitioner.
(in CRM-M-52544-2021)

Mr. J.S. Thind, Advocate for the petitioner.
(in CRM-M-4062-2022).

Ms. A.K. Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. By means of this common order, the above-mentioned two petitions shall stand disposed of as both the petitions arise out of same FIR.

2. The instant petitions have been filed under Section 439 CrPC for grant of regular bail to the petitioners in case FIR No.166 dated 30.09.2020 registered under Sections 307, 323, 148, 149 IPC at Police Station City Jalalabad, District Fazilka.

3. Learned counsel for the petitioners *inter alia* contend that as per the allegations levelled in the FIR, the incident in question is stated to have taken place at 2:00 am on the intervening night of 12.09.2020 and 13.09.2020. One Binder Singh, neighbour of the complainant is claimed to have informed the complainant that injuries have been caused by some unknown assailants on Vijay Partap son of the complainant and that he is lying at Dhani of Ranjit Kaur (petitioner in CRM-M-52544-2021). The complainant claims to have met Ranjit Kaur who informed that the assailants had caused injuries to his son and threatened to throw him into the septic tank and that they have got Vijay Partap free from the clutches of the assailants and put him on a cot. The complainant claims to have thereafter admitted his son to the Hospital where as many as 06 injuries are recorded to be present on the person of Vijay Partap. A perusal of the same shows that 05 of the said injuries are in the nature of abrasions. An abrasion was noticed over the skull which was eventually determined as serious and thus attracting Section 307 IPC. Learned counsel for the petitioners contends that final report in this case was filed on 13.12.2021. He further submits that even though the incident in question is stated to have taken place on 13.09.2020, however, the FIR in the said case was registered after a delay of nearly 17 days. It is further alleged that the petitioners have roped as an accused as a counter blast since FIR No. 174 dated 01.08.2020 had been registered against the three sons of the complainant and that in order to pressurize the petitioners to withdraw the said proceedings, the instant FIR has been got lodged to implicate the petitioners. He further submits that despite a lapse of more than one

and half year since the registration of the FIR, the statement of the injured Vijay Partap has so far not been recorded to ascertain the role, if any, of any of the assailants and the final report filed by the Police does not attribute any specific role or injury to the petitioners.

4. Ms. A.K. Khurana, DAG, Punjab controverts the claim made by the petitioners and submits that the petitioners had actively participated and had caused injuries to Vijay Partap-victim and the injury was also caused on his head thus endangering his life. She further submits that statement of Vijay Partap is yet to be recorded and that specific roles pertaining to the petitioners herein shall be ascertained thereafter. She however could not give any satisfactory explanation as to why the said statement has not been recorded despite the FIR having been registered on 30.09.2020 and a lapse of more than one and half year since then. It is also not disputed by her that the petitioners are in custody since 04.10.2021 and have already been in custody for nearly 06 months. Charge has although been framed, however, no evidence has been recorded so far.

5. I have considered the arguments advanced by the counsel for the parties.

6. Taking into consideration the facts noticed above, the stage of trial, as also the actual custody of the petitioners and absence of any specific role in the investigation conducted so far, I deem it appropriate to enlarge the petitioners on bail.

7. Accordingly, the present petitions are allowed and the petitioners are admitted on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate,

concerned.

8. It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 31, 2022
vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No