

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M-1632-2023
Date of decision: 07.07.2023

Jeetpal SinghPetitioner

Versus

State of PunjabRespondent

2. CRM-M-2024-2023
Date of decision: 07.07.2023

Shamsher SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rana Ghuman, Advocate
for the petitioners.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. This order shall dispose of above mentioned two petitions
as they arise out of the same FIR.

2. The petitioners are seeking the concession of bail under
Section 439 of the Cr.P.C. in case FIR No.234 dated 19.09.2022 under
Sections 379-B, 324, 323 and 34 of the IPC (Section 325 of the IPC
added lateron) registered at Police Station Sadar Mansa, District Mansa.

3. Learned counsel for the petitioners inter alia contends that
the delay of 02 days in the lodging of the FIR in question clearly hints
towards the false implication of the petitioners in the case in hand.

While drawing the attention of this court to the FIR, which has been

annexed as Annexure P-1, he submits that a totally unbelievable version has been brought forth in the FIR where in it was alleged that when the complainant was returning on his motorcycle after his duty hours, 03 persons on a motorcycle came and struck against his motorcycle as a result of which he fell down. While one of the assailants inflicted *danda* blows on his person, the other assailants grabbed his wallet in which a sum of ₹7,000/- was lying and thereafter all the 03 assailants fled away from the spot. Learned counsel submits that the occurrence in question took place on 17.09.2022 at 10:15 P.M. Strangely, after the occurrence as per the allegations levelled, the complainant along with his brother and son went searching for assailants and came across them in the vicinity of village Bajewala and it was then the complainant identified petitioner Jeetpal Singh, who then along with 02 unidentified persons again inflicted injuries upon his son and brother. On a hue and cry raised, all the 03 persons fled away from the spot. Learned counsel submits that it is very strange that firstly in the dead of the night the complainant was allegedly waylaid by the petitioners and as per his own version in the FIR, the names of the assailants were unknown to him, however, after some time the complainant along with his son and brother went searching for the assailants and found them, not near the place of occurrence, but in the vicinity of village Bajewala.

4. It has been further submitted that as far as petitioner Shamsher Singh is concerned, he was nominated as an accused on the basis of a disclosure statement allegedly made by petitioner Jeetpal Singh and such disclosure statement does not have much evidentiary

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value. Learned counsel submits that the petitioners are not involved in any other criminal case much less a case of similar nature which further indicates their false implication in the case in hand.

5. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, has not been able to dispute the submissions made by the counsel opposite qua petitioner Shamsher Singh being nominated on the basis of a disclosure statement suffered by petitioner Jeetpal Singh. However, it is submitted that though the challan stands presented qua both the petitioners and the next date before the Trial Court is 28.07.2023, however, the third assailant has still not been arrested, hence, the delay in the framing of the charges.

6. On a pointed query put to the learned counsel as to whether the petitioners are involved in any other criminal case much less a case of similar nature, he, on instructions has replied in the negative.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. Petitioners Jeetpal and Shamsher Singh have been in custody since 19.10.2022 and 27.10.2022 respectively. Charges have not yet been framed in the case. The trial would thus take time to conclude. Therefore, this Court deems it appropriate to extend the concession of bail to the petitioners.

9. Accordingly, the instant petitions are allowed. The petitioners be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on

the merits of the case.

10. A photocopy of this order be placed on the file of other connected case.

07.07.2023
Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No