

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5226-2023

Date of decision : 07.02.2023

Balram Singh @ Vicky @ Bhairon

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. M.S. Saini, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.0104 dated 03.09.2019, under Sections 307, 323, 148, 149 of IPC, Sections 324, 201 of IPC added later on, registered at Police Station Mehtiana, District Hoshiarpur.

As per the facts of the case, complaint was lodged by complainant namely, Sukhwinderjit Kaur wherein it was alleged that on 01.09.2019, her husband Harpreet Singh went to attend the marriage function of his friend Pawanjit Singh at Landon Palace, Mehtiana, District Hoshiarpur. Thereafter, she came to know that her husband has received some injuries in the function. She went to the marriage palace and took her husband along with her *jeth* to the Civil Hospital, Adampur. It was told to her by her husband that in the function there occurred a quarrel with his friend Mani and when he came forward to save him then accused namely, Happy son of Budhu, Happy Kauli, Ghora and 10 other persons caused injuries to him with knife, khanda and other weapons. He

was given injuries on face, stomach, eyes and other parts of body. Thereafter, he was shifted to Oxford Hospital and remained under treatment in ICU. The request was made to take legal action against the culprits. On the basis of this, formal FIR was registered. The statement of the witnesses were recorded. The injured was medically examined. The petitioner despite best efforts by the investigating agencies, could not be arrested and hence, he was declared proclaimed offender on 13.01.2020. Later on, he was arrested on 30.04.2022. He has approached the Court of learned Additional Sessions Judge, Hoshiarpur praying for grant of regular bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge declined the same vide his order dated 05.12.2022. Aggrieved by the same, the petitioner is before this Court praying for grant of regular bail.

It has been contended by counsel for the petitioner that the petitioner is neither named in the FIR nor is concerned with the allegations made in the FIR. He has submitted that there is cross-version also lodged against the complainant side vide DDR No.40 dated 05.09.2019. He submits that the bail petition filed by the petitioner before learned Additional Sessions Judge was declined only for primary reason that he was declared proclaimed offender. He has further submitted that the injury with the knife to injured Harpreet Singh i.e. husband of the complainant was caused by co-accused who is behind bars. He submits that in all, there are four accused and rest of the two accused who are also similarly situated, have already been granted bail by this Court. He has submitted that during investigation by the investigating agencies, the injuries attributed to the petitioner were found to be simple in nature. He

submits that the petitioner is now behind bars since 30.04.2022 and he has no criminal antecedents and he has never been involved in any other case and thus, he deserves to be granted bail.

Learned State counsel, on the other hand, has submitted that injured Harpreet Singh received eight injuries out of which, injury given by knife is attributed to co-accused Harpreet Singh who is behind bars. He submits that in all there are four accused and the petitioner was declared proclaimed offender on 13.01.2020. However, he was later on arrested on 30.04.2022. He submits that as per the investigation, petitioner was armed with iron rod and he gave two injuries to injured Harpreet Singh which are simple in nature. He fairly submits that rest of two similarly situated co-accused are already on bail. He submits that as per instructions provided to him, petitioner is not involved in any other case.

Heard.

After hearing counsel for the parties, it is apparent that in all there are four accused. The alleged occurrence has taken place on 01.09.2019. Though the petitioner was declared proclaimed offender on 13.01.2020, however, he was arrested on 30.04.2022 and since then he is behind bars. As per investigation, the injuries attributed to the petitioner are simple in nature. The similarly situated two of the co-accused are already on bail. There is nothing on record to show that the petitioner has any criminal antecedents as submitted by learned State counsel. Learned State counsel, on instructions, submitted that the investigation is complete. Challan is presented and charges have been framed. In all, there are 30 prosecution witnesses cited and none has been examined so far.

It is evident that the trial would take sufficient long time. The veracity of the allegations would be assessed by the trial Court on appreciation of the evidence to be led by the parties before it. This Court would refrain itself from commenting anything on the merits of the case. However, in the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

07.02.2023
m. sharma

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